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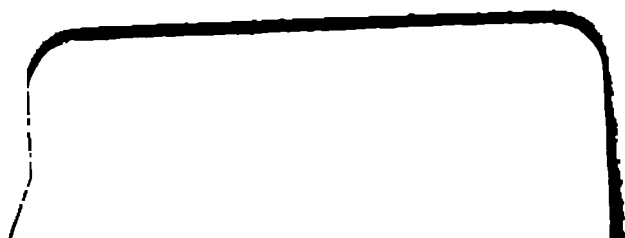
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VOL VI.

TAXES—WRECK.

ADDENDA AND INDEX.

OF THE EXETER DISTRICT COURT OF BANKRUPTCY;

THE REST OF THE WORK

By THOMAS CHITTY, Esq.,

OF THE INNER TEMPLE.

IN SIX VOLUMES.

VOL. VI.

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1845.

of ordinary revenues and extraordinary resources. The ordinary revenues are either annual or permanent. The permanent ordinary taxes now levied are the customs, excise, stamps, land tax, assessed taxes, postage duties, and other articles of trifling amount, such as licences to hawkers, hackney coaches, pawnbrokers, &c. ; a considerable annual revenue is also derived from the Post-office. As one of the extraordinary resources, a tax on income, or the profits of property, has frequently been imposed. It was first introduced under the title of a tax on income, and regulated by the 38 Geo. III. c. 16 ; 39 Geo. III. c. 13 ; 39 & 40 Geo. III. c. 49. Afterwards as a contribution on the profits of property, under the 43 Geo. III. c. 42 ; 43 Geo. III. c. 122 ; 45 Geo. III. c. 15 ; 46 Geo. III. c. 65 ; and now, until the sixth of April, 1845, by the 5 & 6 Vict. c. 35. Under these acts, prior to the 5 & 6 Vict., it was at first 5 per cent. and afterwards increased to 6½, and then to 10 per cent., or 2s. in the pound.

In the preceding parts of this work, the taxes called duties of *Excise and Customs, Land-Tax, Stage Coach Duty, Post-Horse Duty, Hawkers' Licences, and Stamp Duties*, have already been considered. Under the above head of *Taxes*, the other branches of revenue principally denominated *Assessed Taxes* are considered, together with the provisions relative to the commissioners of the affairs of taxes and their inferior officers, and the regulations affecting the assessment, raising, levying, and paying these taxes, and the acts relating to compositions for taxes.

Assessed Taxes now consist of the duties on *Windows or lights, on Servants, Carriages, Horses, Mules, and Dogs, Armorial Bearings, Game Certificates*, and other the duties transferred to the commissioners for the affairs of taxes.

Of what duties
the assessed
taxes consist.

Justices may act
as commis-
sioners.

Justices of peace duly qualified may act as commissioners of land-tax and assessed taxes, (7 & 8 Geo. IV. c. 75, s. 1, and 3 & 4 Will. IV. c. 95, and see 52 Geo. III. c. 95, Rule 31).

We will treat of this subject under the following general heads:—

I. The Act consolidating the Provisions relating to the Duties under the Management of the Commissioners for the Affairs of Taxes and other Officers, and other subsequent Acts relating thereto, infra.

Which provisions will be found arranged, as far as possible, under the following heads:—1. Qualifications and Powers of Commissioners. 2. Meetings of Commissioners—Appointments of Clerks and Assessors, and their Powers and Duties. 3. Appointment of Collectors and Sureties, and their Powers and Duties, and Liabilities. 4. Inspectors and Surveyors, and their Powers and Duties, and of Receivers-General. Rules and Regulations respecting Receivers-General, Collectors, and other Officers. 5. Of Surcharges and Appeals. 6. Of Distraining for Arrears of Taxes. 7. Provisions respecting the Payment of Monies in the Hands of Collectors; and when Parishes are liable for Default, and Proceedings thereupon. 8. Provisions for enforcing the Act, Penalties, Protection to Officers, &c.

II. The Acts regulating the Assessments and Collection, &c. p. 50.

Which provisions will be found arranged under the following heads:—1. Of the Appointment of Assessors, and when Collectors may act in their place. 2. Of Services of Notices. 3. Of Certificates of Assessment and Estimates. 4. Of Surcharges. 5. Rules and Directions for paying to the Receiver-General, and accounting for the Duties received by the Collectors. 6. Of the Inspectors-General.

III. The Assessed Taxes themselves, p. 69.

Which head will be found divided as follows:—1. The *Regulations* of the 43 Geo. III. c. 161, and subsequent Acts; and, 2. The several *Duties*, with the particular Rules and Exemptions affecting them.

IV. Of Compounding for Assessed Taxes, p. 160.



I. The Act consolidating the Provisions relating to the Management of the Commissioners for the Affairs of Taxes and other Officers, and other subsequent Acts relating thereto.

[43 Geo. III. c. 99; 45 Geo. III. c. 5, ss. 1 and 2; 45 Geo. III. c. 71, ss. 1 and 2; 48 Geo. III. c. 55, s. 1; 3 Geo. IV. c. 88; 1 & 2 W. IV. c. 18; 4 & 5 W. IV. c. 60; 5 & 6 W. IV. c. 20; 6 & 7 W. IV. c. 28.]

These several provisions may be arranged under the following heads, and it has been considered by the editor to be most expedient to give the statutes themselves, their provisions being arranged in an order very nearly similar to that which is here adopted.

1. *Qualifications and Powers of Commissioners.*
2. *Meetings of Commissioners—Appointment of Clerks and Assessors, and their Powers and Duties.*
3. *Appointment of Collectors and Sureties, and their Powers and Duties and Liabilities.*

and become one consolidated board of commissioners, and be called "The Commissioners of Stamps and Taxes," and it shall be lawful for his majesty, his heirs and successors, from time to time to appoint under the great seal of Great Britain and Ireland such other persons as he or they shall think fit to be commissioners of stamps and taxes, and that from henceforth all the several duties, matters, and things which at the time of the passing of this act are collected by or are under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively shall respectively be collected by and shall be under the care and management of the commissioners of stamps and taxes, in the same manner as such duties, matters, and things respectively have heretofore been collected by or have been under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively: provided always, that as well the said commissioners so to be appointed by his majesty, his heirs and successors, as aforesaid, as the said commissioners by this act constituted commissioners of stamps and taxes, shall respectively be and remain commissioners of stamps and taxes during the pleasure of his majesty, his heirs and successors, and no longer."

commissioners of stamps and commissioners of taxes to be one consolidated board of commissioners of stamps and taxes.

Sect. 9 enacts, "That the said commissioners of stamps and taxes, or any three or more of them, shall have, use, and exercise all such powers and authorities as are now given to or vested in or as might be used and

Powers vested in commissioners of stamps and commissioners of taxes.

1. *The Act relating to Management of Commissioners.*

4 & 5 W. IV. c. 60.

taxes, respectively to be exercised by the commissioners.

exercised by the whole or any number of the said commissioners of stamps or of the said commissioners for the affairs of taxes, under or by virtue of any act or acts in force at or immediately before the passing of this act, and all such powers and authorities shall be and are hereby given to and vested in the commissioners of stamps and taxes, and any three or more of them, as fully and effectually, to all intents and purposes, as if such powers and authorities, and all clauses, regulations, provisions, penalties and forfeitures in any act or acts relating thereto respectively, were severally repeated and re-enacted in this act, and made part thereof; and all rules, orders, regulations, acts, matters, and things which shall be made or done by the said commissioners of stamps and taxes, or any three or more of them, and which by any act or acts in force at or immediately before the passing of this act are or were required or authorized to be made or done or which might be made or done by the commissioners of stamps or the commissioners for the affairs of taxes, or any three or such commissioners respectively, shall be and be deemed to be as good, valid, and effectual in the law to all intents and purposes as if made or done by the said commissioners of stamps or the said commissioners for the affairs of taxes, or any number of such commissioners respectively, under or in pursuance of any such act or acts as aforesaid; and all persons shall be subject and liable to the same pains and penalties for doing or omitting to do any act, matter, or thing contrary to any rules, orders, or regulations of the said commissioners of stamps and taxes, or any three or more of them, as such persons respectively would have been subject and liable to for doing or omitting to do the same acts, matters, or things contrary to any rules, orders, or regulations of the commissioners of stamps or the commissioners for the affairs of taxes respectively, under or by virtue of any act or acts in force at or immediately before the passing of this act: provided always, that where by any act or acts in force at or immediately before the passing of this act, any act, matter, or thing is expressly required or authorized to be done by any particular or prescribed number less than three of the said commissioners of stamps or of the said commissioners for the affairs of taxes, every such act, matter, or thing, being done by such particular or prescribed number of the commissioners of stamps and taxes, shall be good, valid, and effectual to all intents and purposes: and provided also, that all rules, orders, and regulations heretofore made by the said commissioners of stamps or the said commissioners for the affairs of taxes respectively, in force at the time of the passing of this act, and which are not altered or varied by this act, or contrary to any of the provisions thereof, shall respectively remain and continue in full force and effect until the same shall be abrogated, annulled, altered, or varied by the said commissioners of stamps and taxes."

1. QUALIFICATIONS AND POWERS OF COMMISSIONERS. (a)

Commissioners shall be qualified as commissioners of land-tax, under 38 Geo. III. c. 48 (b).

The 43 Geo. III. c. 99, s. 4, enacts, "That no person shall act as a commissioner in the execution of any act or acts before mentioned, unless such person shall be duly qualified as required by an act, passed in 38 Geo. III. c. 48, intituled 'An Act to alter and amend so much of an Act, passed in this present Session of Parliament, intituled, An Act for granting an Aid to His Majesty, by a Land-Tax to be raised in Great Britain, for the Service of the Year 1798, as relates to the Qualification of Commissioners:' provided always, that in respect of the cities, liberties, and places hereinafter mentioned, the commissioners acting within

(a) By 43 Geo. III. c. 161, s. 6, it is enacted, that commissioners of land-tax qualified as under 38 Geo. III. c. 5, and by s. 8, that commissioners, &c. under 43 Geo. III. c. 99 & 150, should be

commissioners, &c. for executing the 43 Geo. III. c. 161.

(b) All justices of the peace, duly qualified, may act as commissioners of land-tax (see 45 Geo. III. c. 48).

1. The Act relating to Management of Commissioners.

45 Geo. III. c. 99.

Penalty on acting without being qualified, &c., 200*l*.

Commissioners interested shall have no voice in controversies.

Penalty 50*l*.

Commissioner may act for any part of the county for which he is appointed.

Warrants of service may be executed in any part of a county, riding, &c.

Benchers may act as commissioners for the Inns of Court; and officers acting in the execution of the land-tax may act as commissioners for Whitehall and St. James's.

Persons appointed commissioners for Middlesex, &c., may act as such for St. Clement Danes.

Two of the commissioners may indorse remittances by bills, and do any other acts required of commissioners of taxes.

any part whereof shall be situate within any other part of the bills of mortality, or in or for the parish of Saint Mary-le-Bone, or Saint Pancras, before he shall have taken such oath as herein is directed, or without being qualified as herein is required, or without being an inhabitant in the same district for which he shall act as a commissioner, he shall forfeit for every such offence the sum of 200*l*.; which oath shall be subscribed by the party taking the same, and their names transmitted to the office for taxes."

Sect. 8. "That in case of any controversy arising between such commissioners, in any matter or thing touching the execution of any act before mentioned, in which any commissioner or commissioners shall be interested in his or their own right, or concerned in the controversy in the right of any person for whom they shall act as steward, agent, attorney, or solicitor, the commissioner or commissioners so interested or concerned shall have no voice, but shall withdraw during the debate of such controversy, until it shall have been determined by the rest of the commissioners, on pain that every commissioner who shall so act in any matter or thing in which he or they is or are interested or concerned as aforesaid shall forfeit and pay the sum of 50*l*."

Sect. 34. "That nothing herein contained shall be construed to restrain the said commissioners, or any of them, from acting as commissioners in any part of the county, riding, division, or place, for which they are appointed; and that all warrants and precepts of the said commissioners shall and may be executed by the respective persons to whom the same are directed, in any part of the same county, riding, division, or place for which they are appointed."

By 45 Geo. III. c. 5, s. 1, "That the said acts shall not be construed to restrain any bencher of any of the inns of court from acting as such commissioner for such inn of court, and the inns belonging thereto, whether of law or equity; nor any of the officers who, by virtue of their offices, have heretofore acted in the execution of the land-tax act, from acting as such commissioner in the liberty of the palaces of Whitehall and Saint James's; and no other qualification shall be required of any such bencher or officer aforesaid than the possession of such places or offices respectively, and who respectively shall and may act therein, although they shall not be resident within the district for which they shall act."

Sect. 2. "That persons residing in either of the parishes of Saint Clement Danes, Saint Mary-le-Strand, or Saint John the Baptist, in the liberty of the Savoy, parts thereof being situate in the county of Middlesex, and other parts in the city and liberty of Westminster, being specially named and appointed commissioners for the said county of Middlesex, or for the said city and liberty of Westminster, and being duly qualified as directed by the said first mentioned act, may act as such commissioners for any or all of the divisions or districts within the said parishes or any of them; anything in the said first mentioned act contained to the contrary notwithstanding."

By 1 & 2 Will. IV. c. 18, s. 6, "That all bills or securities drawn for or on account of the taxes, rates, and duties aforesaid, or any of them payable to the order of the commissioners for the affairs of taxes, and remitted either to the said commissioners or to their office, or to the said receiver-general for the London district, shall and may be indorsed by any two of such commissioners; and all other acts, matters, and things whatsoever by this act, or by any act in force relating to the said taxes, rates, and duties, or any of them, which the commissioners for the affairs of taxes are authorized or required to do, execute, or perform, shall and may be done, executed, and performed by any two of such commissioners; any act or acts of parliament, law, usage, or custom to the contrary thereof notwithstanding."

1. The Act relating to Management of Commissioners.

43 Geo. III. c. 99.

Assessors shall take oaths, &c., under 1 W. & M. sess. 1, c. 8, or c. 18. (a)

43 Geo. III. c. 99.

* Sic in act.

Commissioners may administer oaths under this act.

Before acting, assessors shall also take oath in schedule (B.).

Penalty 50*l*.

Assessors shall annually deliver assessments on or before June 5.

Commissioners shall sign the assessment, and three duplicates thereof, and deliver one to the assessors, with warrants for collecting the same; another to the surveyor.

so as aforesaid prefixed for their appearance, such assessors shall return the names of two or more able and sufficient persons, within the bounds or limits of those parishes or places for which they shall be assessors respectively, to the said commissioners, to be by them appointed collectors of the several duties to be raised and assessed by them as such commissioners."

And see sect. 17, *post*, 12; and sect. 32, *post*, 28.

Sect. 10. "That every person to be appointed such assessor, shall, before he shall take upon him the execution of the said employment, take the oaths mentioned and required to be taken by an act, made in the parliament held in the first year of the reign of king William and queen Mary, intituled 'An Act for abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths;' or, being one of the people called Quakers, may make and subscribe the declaration of fidelity prescribed by an act, made in the first year of the reign of King William and Queen Mary, intituled 'An Act for exempting their Majesty's* Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws;' which oaths or affirmations any one or more of the commissioners by whom such assessors shall be appointed, who shall themselves have taken the oaths required by this act to be taken by commissioners, have hereby power, and are hereby required to administer, as also all and every such other oaths or affirmations, as are by this act, or any act or acts relating to duties to be assessed under the regulations of this act, required or allowed to be taken before such commissioners, by any officer or person whatever, in any matter or thing touching the execution of this act, or any act or acts granting the said duties as aforesaid."

Sect. 11. "That every person to be appointed such assessor, shall, and he is hereby required also to take the *oath(a)*, or, being one of the people called Quakers, to make and subscribe the solemn affirmation, before the commissioners for executing this act, in the form set forth in the schedule to this act annexed (marked B.); and if any person, to be appointed assessor as aforesaid, shall presume to act in the office or employment of an assessor, before he shall have taken the said oath or affirmation (as the case shall require), he shall forfeit and pay, for every such offence, the sum of 50*l*."

Sect. 12. "That in all cases the assessors so to be appointed as aforesaid, shall, from time to time, make and deliver in writing their certificates of assessments of all the duties given to them in charge as aforesaid, unto the respective commissioners, or any two or more of them, on or before the fifth day of June yearly, or as soon after as conveniently can be done; and the commissioners to whom such assessments shall be so delivered, or any two or more of them, shall forthwith set their hands to the said respective assessments, testifying their allowance of the same; and the said commissioners, or any two or more of them, are hereby required to sign and seal three duplicates of the said assessments, to be prepared by their clerk, and forthwith to nominate and appoint two of the persons named or presented in each of such assessments to be *collectors*, or any other two such persons as such commissioners are hereby authorized to appoint, for the respective divisions and places for which collectors shall be so presented (*b*), and to deliver, or cause to be delivered, one of the said *duplicates* of such assessments, so by the said commissioners allowed, *together with warrants under the hands and seals of two or more of the said commissioners for collecting the same, unto the respective*

(a) But now a declaration is substituted for the oath, by 5 & 6 Will. IV. c. 62; see title "*Oath*."

(b) The insertion of the name of a

person as collector of the assessed taxes, in the warrants of the commissioners, is not a sufficient appointment to that office. (*R. v. Radley, Forrest*, 150.)

1. The Act relating to Management of Commissioners.

said commissioners, or any two or more of them, are hereby authorized and empowered to take, *by a joint and several bond, with two sureties at the least* (a), to and in the names of any two or more of such commis-

43 Geo. III. c. 99.

(a) But a bond with one surety only is valid. (See *Pepdin v. Cooper*, 2 B. & A. 431.) In the same case, it was held, that the due collection of the rates for one year was a compliance with the condition of the bond, under the particular terms of such bond. And although it appeared, from the condition of the bond, that H. A. and G. P. were both appointed collectors, it was held that such bond, being for the due collection by H. A. only, might be put in suit against the surety, without first selling the goods of G. P.

A joint collector of taxes is liable for any deficiency in the collection for the year, in the amount received by his co-adjutor, although he has not himself collected *during the time, and although his appointment may not have been quite formal*, if he has in any manner acknowledged his appointment, or acted or received a share of the poundage at any time. And the court will set *insuper* on him, although a re-assessment has been made on the parish, and the amount of the deficiency collected, and paid over to the receiver-general. And if he should have procured a rule to be made absolute for discharging a former *insuper*, and for the restoration of the money levied under it by *distringas*, *without having served the order nisi on the parish*, the court discharging such a rule, will do so, *with costs*. (In the matter of *insupers* set upon *John Bromley and William Baylies*, joint collectors of taxes for the parish of Welford, 5 Price, 5.)

See, also, *In re Moorly*, 5 Price, 5.

By 43 Geo. III. c. 99, the bond given to the commissioners by a collector of taxes is to be conditioned for demanding the taxes, enforcing the provisions of the act, and paying the sums collected to the receiver-general. The defendant was sued on a bond which contained those conditions, and also a condition for accounting and paying to the commissioners: and it was held, that this latter condition might be rejected as surplusage, and did not avoid the bond. (*Collins and others v. Gwynne*, 7 Bing. 423; 5 M. & Payne, 276; 9 Bing. 544; 2 M. & Scott, 640.) And it was held, that in an action against the surety, it is a bad plea that the commissioners and receiver-general had not taken the steps to enforce payment from

the collector, as directed by the above act. (*Wilks v. Keely*, 1 Crompt. & Mees. 249.)

Collins and others v. Gwynne, 7 Bing. 544; 2 Moore & Scott, 640; 5 Moore & Payne, 276. Such a bond need not be taken to his majesty and his successors. The collector in default on such bond is a competent witness against his surety. The sale of the collector's lands and goods is not a condition precedent to putting such bond in suit. It is a breach of the condition of payment to pay money collected for a given year to the account of a different year. It need not be stamped, although not taken in the precise amount required by the statute. See the cause and other points, *Gwynne v. Burnell and others*, 2 Bing. N. S. 7; 9 Bing. 544.

It is no objection that the surety's bond is conditioned for payment by the collector to the receiver-general and to the commissioners, or that it is conditioned for payment at the times by the acts appointed, though no times in fact are appointed by the acts. (*Gwynne v. Burnell*, 2 Bing. N. S. 7.)

It was held, if there be two collectors of taxes appointed under the 43 Geo. III. c. 99, s. 13, for a single parish, by the commissioners, one for one division of the parish, called the Upper Parish, and one for another, called the Lower Parish, and they accordingly collect the taxes separately from the several inhabitants of their respective divisions: in case of a deficiency in the amount of the taxes collected, through the misconduct of either, the whole parish must be re-assessed, and not the particular district, the collector of which has misapplied the money, and from the collection of whose taxes the deficiency arises, although the taxes of the other division have been collected, and paid over to the receiver-general. (*Ex-parte Henllan*, 7 Price, 594.) But in *Barrs v. Digby*, 1 New Rep. 281, it was held, that where a constablewick consisted of several hamlets, and two collectors of the duties on houses, &c. were appointed for each hamlet, if the collector or collectors of any one hamlet failed in duly paying over the money collected, the particular hamlet only where the collector or collectors have failed is liable to a re-assessment, under 20 Geo. II. c. 3, and not the whole constablewick.

1. The Act relating to Management of Commissioners.

48 Geo. III. c. 99.

Where two or more commissioners shall not be resident, the commissioners of the adjacent parish, &c., may appoint or concur in the appointment of collectors.

Collectors shall also act as assessors.

Assessors or collectors refusing to take the office, or neglecting their duty, may be fined by commissioners, not exceeding 20*l*. Inhabitants of cities, boroughs, &c. not compelled to be assessors or collectors out of the limits of such places.

In privileged and extra-parochial places, and where two sufficient inhabitants cannot be found, the commissioners to appoint assessors and collectors in like manner.

If assessors neglect their duty, surveyors may perform the same.

Officers executing this act, or other acts herein mentioned, not liable to any other penalties than such as are contained therein.

presented by the assessors as aforesaid, or named by the inhabitants, or churchwardens and overseers, or guardians of the poor, or any two or more of them, or any seven or more of the vestry, where a select vestry shall be appointed as aforesaid, and who shall be thought by such commissioners to be of ability to execute the office of collector; and that in default of presenting or naming such persons who shall be willing to give such security, then the said commissioners residing as aforesaid shall name such persons as they shall think of ability to execute the said office: provided always, that where two or more commissioners shall not be resident in any such ward or parish as aforesaid, for which collectors are to be appointed, then a commissioner or commissioners residing in any adjacent ward or parish in the same county or city may appoint or concur with a commissioner, so residing, in the appointment of such collectors: and every person appointed a collector in pursuance of this act shall also, by virtue of such appointment, act as an assessor for the same parish, ward, or place."

Sect. 16. "That if any assessor or collector to be appointed as aforesaid, shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, to which he shall be appointed, or shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, or of any act or acts granting duties to be assessed under the regulations of this act, for which he shall be appointed an assessor or collector, such commissioners, or any two or more of them, may and shall by virtue of this act, impose on such person or persons so refusing or neglecting, for every such offence, a fine not exceeding 20*l*.: provided that no person inhabiting any city, borough, or town corporate, shall be compelled to be an assessor or collector for any part of such duties, in any place or places out of the limits of the city, borough, or town corporate in which he shall so inhabit."

Sect. 17. "That in all privileged and other places being extra-parochial and not within the constablewicks or precincts of the respective assessors to be appointed as aforesaid, and in all parishes and places where two able and sufficient inhabitants cannot be found, the said commissioners or any two or more of them, shall and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments in like manner as by this act is directed in any parish or place, and also in like manner and in the like cases to appoint one or more collector or collectors, who are hereby required to collect and pay the sums given to them in charge, according to the rules prescribed by this act, for collecting and paying the sums of money assessed in any parish or place."

And see *post*, sects. 32 and 33.

Sect. 18. "That in case such commissioners shall neglect to appoint assessors, as directed by this act, or in case the assessors by them appointed shall neglect to perform what shall be lawfully required of them, that then and in every such case it shall be lawful to and for the surveyor or surveyors appointed or to be appointed as herein mentioned, to do and perform such and the like services as ought to be done by such assessors, until such assessors shall be appointed, and shall act with effect."

Sect. 19. "That no commissioner, assessor, or collector, who shall be employed in the execution of any such act or acts herein mentioned, or of this act, shall be liable, for or by reason of such execution, to any penalty or penalties, other than such as by this act, or the said act or acts, are or may be inflicted."

See further, sections 27, 32, 33 to 47, *post*, &c., and sections 48, 49, 50, 51, 52, *post*, as to collectors paying over money.

See further, as to *Collectors' Bond*, 3 Geo. IV. c. 88, *post*, 16, and 48 Geo. III. c. 141, *post*, 15.

1. The Act relating to Management of Commissioners.

43 Geo. III. c. 99.

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If assessors neglect their duty, surveyors may perform the same.

Officers executing this act, or other acts herein mentioned, not liable to any other penalties than such as are contained therein.

presented by the assessors as aforesaid, or named by the inhabitants, or churchwardens and overseers, or guardians of the poor, or any two or more of them, or any seven or more of the vestry, where a select vestry shall be appointed as aforesaid, and who shall be thought by such commissioners to be of ability to execute the office of collector; and that in default of presenting or naming such persons who shall be willing to give such security, then the said commissioners residing as aforesaid shall name such persons as they shall think of ability to execute the said office: provided always, that where two or more commissioners shall not be resident in any such ward or parish as aforesaid, for which collectors are to be appointed, then a commissioner or commissioners residing in any adjacent ward or parish in the same county or city may appoint or concur with a commissioner, so residing, in the appointment of such collectors: and every person appointed a collector in pursuance of this act, shall also, by virtue of such appointment, act as an assessor for the same parish, ward, or place."

Sect. 16. "That if any assessor or collector to be appointed as aforesaid, shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, to which he shall be appointed, or shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, or of any act or acts granting duties to be assessed under the regulations of this act, for which he shall be appointed an assessor or collector, such commissioners, or any two or more of them, may and shall, by virtue of this act, impose on such person or persons so refusing or neglecting, for every such offence, a fine not exceeding 20*l*.: provided that no person inhabiting any city, borough, or town corporate, shall be compelled to be an assessor or collector for any part of such duties, in any place or places out of the limits of the city, borough, or town corporate, in which he shall so inhabit."

Sect. 17. "That in all privileged and other places being extra-parochial, and not within the constablewicks or precincts of the respective assessors to be appointed as aforesaid, and in all parishes and places where two able and sufficient inhabitants cannot be found, the said commissioners, or any two or more of them, shall and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments in like manner as by this act is directed, in any parish or place, and also in like manner and in the like cases to appoint one or more collector or collectors, who are hereby required to collect and pay the sums given to them in charge, according to the rules prescribed by this act, for collecting and paying the sums of money assessed in any parish or place."

And see *post*, sects. 32 and 33.

Sect. 18. "That in case such commissioners shall neglect to appoint assessors, as directed by this act, or in case the assessors by them appointed shall neglect to perform what shall be lawfully required of them, that then and in every such case it shall be lawful to and for the surveyor or surveyors appointed or to be appointed as herein mentioned, to do and perform such and the like services as ought to be done by such assessors, until such assessors shall be appointed, and shall act with effect."

Sect. 19. "That no commissioner, assessor, or collector, who shall be employed in the execution of any such act or acts herein mentioned, or of this act, shall be liable, for or by reason of such execution, to any penalty or penalties, other than such as by this act, or the said act or acts, are or may be inflicted."

See further, sections 27, 32, 33 to 47, *post*, &c., and sections 48, 49, 50, 51, 52, *post*, as to collectors paying over money.

See further, as to *Collectors' Bond*, 3 Geo. IV. c. 88, *post*, 16, and 48 Geo. III. c. 141, *post*, 15.

1. *The Act relating to Management of Commissioners.*

43 Geo. III. c. 99.

Receiver-general (unless his accounts are passed within two years) not to return any county, &c., *insuper*, for monies in arrear, but the receiver to be answerable for the same.

Receiver-general returning any sums in arrear or *insuper* after he has received the same, to forfeit double the damages.

Commissioners of taxes to give notice of the death or removal of any receiver-general to the commissioners of the districts.

Receiver-general not to maintain action against the hundred on being robbed, unless there are three persons in company.

45 Geo. III. c. 71. Receiver-general's accounts, in England, may be verified on oath before commissioners of district.

shall for every such offence of himself or his deputy forfeit the sum of 500*l*."

Sect. 55. "That no such receiver-general, or any heirs, executors, or administrators of such receiver, shall in any accounts of the monies wherewith such receivers shall be chargeable as aforesaid (unless such account shall be declared and passed in the Exchequer, within two years at the furthest after the end of the year for which such rates and duties shall be payable), be allowed or admitted to set *insuper*, or charge any county, division, or place for any monies granted by any act or acts herein mentioned, which shall be in arrear and unpaid, but that the same shall remain a debt upon every such receiver, to be answered by him and his securities, his and their heirs, executors, and administrators' lands, tenements, goods, and chattels respectively: anything herein contained to the contrary notwithstanding."

This provision seems to be repealed by 5 & 6 Will. IV. c. 20, s. 11.

See sect. 19, *ante*, 12; sect. 35, 36, 37, 38, *post*, 30; 59 Geo. III. c. 118, s. 1, *post*, 36.

Sect. 56. "That if any such receiver-general shall return or certify unto the said court, any sum or sums of money to be in arrear or unpaid, after the same have been received, either by such receiver-general, or his deputy or deputies, or any of them, or shall cause any person or persons to be set *insuper* in the said court, for any sum or sums of money that have been so received, that then every such receiver-general shall forfeit to every person and persons that shall be molested, vexed, or damaged, by reason of such unjust certificate, return, or setting *insuper*, double the damages that shall be thereby occasioned, the said damages to be recovered by action of debt, bill, plaint, or information, in which no essoign, protection, or wager of law, shall be allowed, nor any more than one imparlance; and shall also forfeit to his majesty, his heirs and successors, double the sum that shall be so unjustly certified or returned, or cause to be set *insuper*, to be recovered as other penalties may be recovered by this act."

Sect. 57. "That if any such receiver-general shall die or be removed, notice thereof shall be given by the commissioners for the affairs of taxes, to two or more commissioners acting for each district in the county or place for which such receiver was appointed, before the time appointed for the next quarterly payment of any of the duties herein mentioned, and so from time to time upon the death or removal of such receiver-general."

Sect. 58. "That no such receiver-general, or any of his agent or agents, servant or servants, by him employed for carrying any of the monies to be received for or on account of any of the duties herein mentioned, shall maintain any action or actions against any hundred or hundreds for or upon account of his or their being robbed on the king's highway of any of the said monies, unless the person or persons carrying, or accompanying the person or persons carrying, such monies, shall at the time of such robbery be together in company, and be in number three at the least, to attest the truth of his or their being so robbed; any law, statute, or provision to the contrary thereof in anywise notwithstanding."

The 45 Geo. III. c. 71, s. 1, after reciting, that "whereas it is expedient to amend the several laws relative to the duties under the management of the commissioners for the affairs of taxes in the particulars herein mentioned," enacts, "That every account of the monies received and paid by any receiver-general of the said duties, or any of them, or by his deputy or deputies in England, which shall hereafter be transmitted to the office for taxes according to the usage thereof, shall be verified on the oath or oaths of such receiver-general, or his deputy or deputies, to the best of his or their knowledge or belief, which oath

1. *The Act relating to Management of Commissioners.*

48 Geo. III. c. 55.

3 Geo. IV. c. 88.
Poundage to receiver-general to cease.

Receivers and other persons, to be appointed under this act, to observe the rules herein mentioned.

1*½*d. in the pound, of the monies so paid; so as that the allowance, calculated as last aforesaid, shall in no case be granted to any greater amount than 100*l.* per annum."

The 3 Geo. IV. c. 88, after reciting, that "whereas it is expedient to amend the laws relating to the land-tax and assessed taxes, and compositions for assessed taxes so far as respects the receipt and payment of the monies arising therefrom by the receivers-general in England and Wales," enacts, "That so much and such parts of the several acts relating to the said taxes and compositions for assessed taxes, or either of them, which allow a compensation to each receiver-general in England and Wales, by a pound rate on the sums by him respectively paid into the receipt of his majesty's exchequer, or which require the said receivers-general to appoint sufficient deputies to receive the said taxes, shall, from and after the fifth day of April, 1822, in respect of the assessments of the said taxes and the contracts of compositions thereafter made, be and the same are hereby repealed."

Sect. 2. "That every person who, after the fifth day of April, 1822, shall be appointed by his majesty, his heirs, or successors, or by the commissioners of his majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, to be receiver-general of the said taxes, or either or any of them, and any other taxes or sums of money under the care and management of the commissioners for the affairs of taxes; and every other person to be appointed by the said commissioners of his majesty's treasury to do or perform any part of the duty of any such receiver-general; and the several officers appointed or to be appointed by the said commissioners of his majesty's treasury, now or for the time being, or any three or more of them, for the survey and inspection of any of the said taxes; and all other persons appointed or to be appointed by the respective commissioners acting in the execution of the said acts, in the several counties, divisions, cities, towns, parishes, wards, and places, within England or Wales, shall severally and respectively observe and be subject to the rules and regulations set forth in this act, and the penalties therein contained; which rules and regulations shall be deemed a part of this act, as if the same had been severally inserted herein under special enactments."

"No. I.—Rules and Regulations touching the office of Receiver-General."

Salary to receiver-general not to exceed 600*l.* per annum.

"First.—Every receiver-general to be appointed as aforesaid shall be entitled to such annual salary, payable half-yearly by equal portions, as the said commissioners of the treasury for the time being, or any three or more of them, shall appoint, not in any case exceeding the sum of 600*l.* per annum, to be allowed to him out of any monies in his hands of the said taxes, by virtue of the warrant of the commissioners for the affairs of taxes for the time being, or any two or more of them."

First appointment only liable to stamp duty.

"Second.—Every receiver-general to be appointed as aforesaid shall be, on his first appointment, charged with the stamp duty payable by law on the bond to be given in such case, and every renewed or succeeding appointment of the same person shall be free of stamp duty; but such receiver-general shall not be required to renew his bond under each or any new or succeeding appointment, except in the case of any change in his security, or under circumstances that may render any such renewed bond necessary, under the directions of the said commissioners of the treasury, which renewed bonds shall also be free of stamp duty; and such receiver-general shall not in any case be liable to or charged with any fee or gratuity on his commission, warrant, or other instrument to be obtained or had, either on his first appointment or on any renewed or succeeding appointment to the said office, nor to any fee or gratuity for any matter or thing incident to the execution of his office, or for auditing or passing his accounts either in his majesty's treasury, the office for taxes, or in any office of the Court or receipt of Exchequer."

1. The Acts relating to Management of Commissioners.

3 Geo. IV. c. 88.

Receivers keeping daily or weekly offices may appoint particular days of receipt from collectors.

son or persons, in duplicate, shall be a full discharge and acquittance to such receiver-general; and the first of every receipt in duplicate so given shall be transmitted to the commissioners for the affairs of taxes; and the second of every such receipt shall remain with the said receiver-general as his voucher in passing his accounts; and every such receipt shall be free of stamp duty."

"Seventh.—Whenever any receiver-general shall be required to keep open daily or weekly (except as before excepted) an office for the receipt of taxes within his district, it shall be lawful for such receiver-general, and he is hereby required, to fix the day or days for receiving the same from each collector whose place of residence shall be within ten miles of the said office, according to such course, order, and rotation, as shall be approved by the commissioners for the affairs of taxes, or any three or more of them; according to which rotation every such collector shall attend to make his payment, so that each such collector may attend four or a less number of days in each quarter of a year, or quarterly as the commissioners of the district shall think expedient, and shall certify to the commissioners for the affairs of taxes according to the said course, order, and rotation; of which day or days of payment due notice shall be given to the respective commissioners acting in the execution of the said acts and this act, and where the residence of any collector or collectors within the district of any such receiver-general mentioned in this rule shall not be within the distance before mentioned, the receipts of the monies from time to time collected by them shall be held by the deputy of such receiver-general in the manner prescribed in this act in regard to other districts."

Bonds, &c., to be taken from the receivers-general to be appointed, or with or from any other person or persons to be appointed under this act, and their respective sureties to remit the monies arising by the taxes granted by the said acts, or any of them or any other duties or sums of money under the management of the commissioners for the affairs of taxes, shall be to his majesty, his heirs, and successors and entered into with and taken by the commissioners for the affairs of taxes and shall be filed and kept in the office of the said commissioners; and no such bond, contract, or security, shall be entered or filed at any of the offices in the Court of Exchequer unless and until it shall be necessary to be made matter of record for the purpose of suing process at law in the said Court of Exchequer at Westminster, for the recovery of any penalty forfeited thereon, or any debt or duty owing thereon or against the person and effects of the parties bound thereby, their heirs, executors, or administrators respectively; in which case the commissioners for the affairs of taxes shall cause the same to be delivered into the office of the king's remembrancer of the said court; and such delivery shall be deemed and be as valid and effectual as if the bonds, contracts, and securities, had been taken in one of the said offices, according to the course or practice of the said court heretofore used, to all intents and purposes whatsoever and shall be applied and made use of in such and the like manner, in any suit, action, or process of law, on the said bonds, contracts, or securities, as if the same had been from the caption thereof respectively filed in the said court."

"Eighth.—All bonds, contracts, and securities, to be entered into with or taken from the receivers-general to be appointed, or with or from any other person or persons to be appointed under this act, and their respective sureties to remit the monies arising by the taxes granted by the said acts, or any of them or any other duties or sums of money under the management of the commissioners for the affairs of taxes, shall be to his majesty, his heirs, and successors and entered into with and taken by the commissioners for the affairs of taxes and shall be filed and kept in the office of the said commissioners; and no such bond, contract, or security, shall be entered or filed at any of the offices in the Court of Exchequer unless and until it shall be necessary to be made matter of record for the purpose of suing process at law in the said Court of Exchequer at Westminster, for the recovery of any penalty forfeited thereon, or any debt or duty owing thereon or against the person and effects of the parties bound thereby, their heirs, executors, or administrators respectively; in which case the commissioners for the affairs of taxes shall cause the same to be delivered into the office of the king's remembrancer of the said court; and such delivery shall be deemed and be as valid and effectual as if the bonds, contracts, and securities, had been taken in one of the said offices, according to the course or practice of the said court heretofore used, to all intents and purposes whatsoever and shall be applied and made use of in such and the like manner, in any suit, action, or process of law, on the said bonds, contracts, or securities, as if the same had been from the caption thereof respectively filed in the said court."

"No. II.—Rules and Regulations respecting the said Office, in relation to Assessed Taxes."

Receivers may examine collectors on oath.

"First.—Every receiver-general to be appointed as aforesaid, and his deputy or deputies, except as after mentioned, authorized under this act, shall and is hereby respectively empowered and authorized, at the respective times appointed by the said acts and this act for the delivery of schedules of defaulters, to administer an oath to every such collector (or, being a person called a Quaker, a solemn affirmation), that he or they hath or have fully paid all the sums by him or them collected or received of or for the assessed taxes, and hath or have fully accounted for all sums not collected or received, in the schedule or schedules then delivered, and shall true answer make to all such questions as shall be demanded of him; and it shall be lawful for every receiver-general, or his deputy or deputies, authorized under this act, at the time of delivering such schedule or schedules, to examine each collector on any matters touching the sums collected and the sums in arrear, and the substance of the answer or answers which any collector shall give on such examination shall in his presence be reduced into writing, and read to him, with liberty to alter and amend the same in any particular; and every such collector shall write or sign his assent to the same in

Answers signed by collectors.

1. The Acts relating to Management of Commissioners.

3 Geo. IV. c. 88.

Collectors not paying over monies.

Penalty.

Collector using public money.

Penalty 50%.

Schedule of defaulters to be delivered by collector to receiver-general.

Collector neglecting his duty herein.

Proceedings.

Bond given by collector free from duty.

Poundage to collector.

Commissioners may call collectors before them previous to each receipt, and make orders for payments ;

taxes or any of them, together with all costs and charges attending the recovery thereof."

"Second.—Whenever any sum or sums of the monies collected and received under the authority of the said acts shall be detained in the hands of any collector or collectors, and shall not be duly accounted for to the receiver-general or his deputy at the receipt to be holden next after the same shall have been collected or received by him or them ; and whenever any sum or sums of the arrears of taxes and monies so collected or received shall be ordered to be paid by the respective commissioners of the district acting in the execution of this act, and shall not be paid on the day so ordered, every such collector shall forfeit and pay the sum of 50%., and a further penalty at the rate of 5% per centum per annum for the whole sum by him detained ; and the amount of the said penalties shall be sued for and recovered in the manner hereinbefore directed, with all costs and charges."

"Third.—If any collector of the said taxes shall, from and after the passing of this act, advance or lend to any person or persons any of the monies so by him collected or received, or if any such collector shall pay or apply any monies or any part of the said monies to his own use or purpose, or shall deposit or deliver over the same to any person or persons, so that the full sums or any part thereof to be raised under the said acts, according to the tenor and effect thereof, shall be withheld and not be paid to the receiver-general at the times on which the same ought to be paid according to this act, every such collector shall for every such offence forfeit and pay the sum of 50% with all costs and charges, to be recovered in manner last aforesaid."

"Fourth.—All schedules of defaulters to be delivered after the passing of this act, by any collector or collectors of the said taxes and composition monies, or any of them, shall be delivered to the several receivers-general, or their authorized deputies, on their receipt, after the 10th day of October and the 5th day of April, yearly, and at the time of such collector or collectors attending the receiver-general with an affidavit subscribed on the oath or affirmation of the collector or collectors in the manner directed by the said acts, and which oath or affirmation the said receivers-general, or their respective authorized deputies, are hereby respectively authorized to administer and subscribe ; and any collector neglecting to deliver any such schedule, duly verified as aforesaid, to such receiver-general or his deputy at the time, and on his receipt as aforesaid, shall be subject to the like process as is provided for neglecting to deliver schedules under the said acts relating to the assessed taxes, and all such schedules respectively shall be delivered by such receiver-general or his deputy, to the respective commissioners, to remain in their hands during the same time as is allowed by the said acts relating to assessed taxes."

"Fifth.—Every bond or other security to be given after the passing of this act, by the collector or collectors of the land-tax, to the respective commissioners acting in the execution of the act relating to the said tax, shall be free of any stamp duty whatever."

"Sixth.—Every collector shall receive from the receiver-general the poundage allowed to him under the said recited acts, unless the said commissioners of his majesty's treasury shall direct all or any portion of such poundage to be discontinued, and which the said commissioners are hereby authorized to do from time to time, and in such manner as shall appear to them expedient for the better execution of the provisions of this act."

"No. IV.—Rules and Regulations respecting the Offices of other Persons acting in the Execution of the said Acts."

"First.—It shall be lawful for the several commissioners acting in the execution of the said recited acts and of this act, in their respective divisions, and they are hereby required, whenever they shall have received notice, as directed by this act, of any receipt to be holden by the receiver-general of the monies collected and received within the limits of the district of the said commissioners respectively, and on or immediately before the day or days of receipt to be so holden, to call before them the respective collectors appointed for each parish or place, and to examine him or them upon solemn oath or affirmation, and assure themselves of all and every of the sum or sums of money and arrears of the said duties and compositions respectively that shall have been collected, or remain to be collected, and which shall be payable to the said receiver-general or his deputy,

1. The Acts relating to Management of Commissioners.

3 Geo. IV. c. 88.

Bonds of receivers general to be delivered up on accounts being balanced.

Certificate of account settled delivered to receiver-general, and by him to the exchequer.

Office of certain receivers-general discontinued on certain events happening.

Regulation for enrolling accounts of receivers-general in the King's Remembrancer's Office only.

* Sic in act.

Accounts may be enrolled in Lord Treasurer's Remembrancer's Office, and Pipe Office, in particular cases, as required by 1 & 2 Geo. IV. c. 121.

where any account of a receiver-general of land or assessed taxes, to which any bond now or hereafter to be entered into to his majesty, filed of record in the Court of Exchequer, or to be taken by the commissioners for the affairs of taxes under the provisions of this act, shall relate, has been or shall be stated and passed in the office of the said auditors or their deputy, and have been or shall be declared before a baron of the Court of Exchequer, and no balance shall appear to remain due on such account from any such receiver-general, the said auditors or their deputy shall, as soon as conveniently may be after such declaration, cause a certificate thereof to be made out and signed by them or him, and the total amount of the sums forming the charge and discharge parts of the said account, with the words 'Even and Quit,' shall be inserted in such certificate, and delivered to the said receiver-general; and every such certificate so made out and signed as aforesaid, and delivered into or lodged by the said receiver-general in the office of the king's remembrancer in the Court of Exchequer, or in the office of the said commissioners, shall be a sufficient authority to the officers of the said court and to the said commissioners having the custody of the bond of the said receiver-general, for the year to which the said certificate shall relate, to deliver up such bond to the said receiver-general or to his authorized agent in that behalf, a receipt for such bond being indorsed on such certificate, and signed by the party receiving the same."

Sect. 8. "That upon the death, resignation, or removal of any one of the receivers-general whose names are set forth in the schedule to this act annexed, marked with the letter A, the office of such receiver-general shall be discontinued, and it shall be lawful for the said commissioners of the treasury to consolidate the said vacant office with the office of the receiver or receivers of the rest of the county, or to add the same or any part or parts thereof to any adjoining district or districts of receipt as the said commissioners of the treasury shall think most beneficial to the collection of the said taxes."

Sect. 9. "That from and after the passing of this act, one part only of the accounts of every receiver-general to be hereafter passed shall be made up and transcribed in the offices of the auditors of the said accounts, for the purpose of being presented for declaration before a baron of his majesty's Court of Exchequer, and which account shall be written on paper in the English language in common characters, and the several sums of money expressed therein shall be written and described in common numerals or figures; and every such account, after the same shall have been declared before a baron of the said court according to the usage thereof, shall be transmitted to the office of his majesty's remembrancer of the said court, and shall there be enrolled, as of record, in like manner in all respects as the part of any account transcribed on parchment hath heretofore been enrolled; and which enrolment herein directed shall be as valid and effectual for enabling the proceedings for the recovery of any balance and interest due or to become due thereon, and for all other purposes whatsoever in anywise concerning or relating to such accounts, as if the same had been also recorded in the offices of the lord treasurer's remembrancer and of the clerk of the pipe, according to the course of the Exchequer before the passing of this act: provided nevertheless, and* all and every the provisions contained in an act passed in the first and second years of the reign of his present majesty, intituled 'An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office, relative to Public Accounts, and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in Great Britain, and to render perpetual and amend an Act passed in the Fifty-fourth Year of his late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues,' so far as the same relate to the record and enrolment of any of the said accounts in the offices of the lord treasurer's remembrancer and of the clerk of the pipe respectively, in cases where such enrolments or records may be found

1. The Acts relating to Management of Commissioners.

1 & 2 W. IV. c. 18.

Appointment of inspectors of taxes to be officers for receipt for county districts.

Salary not to exceed on an average 100*l.* per annum, and 100*l.* for a clerk.

One receiver-general to be retained for the London district.

Receiving inspectors to make circuits for receipt from collectors.

Travelling expenses not to exceed those now allowed.

3 Geo. IV. c. 88.

Providing for remitters.

retain and continue any one or more of the present receivers-general, under the provisions of the acts now in force, for such further and respective periods, and for such district and districts, circuit and circuits of receipt, as to the said commissioners may appear necessary or beneficial to the public service."

Sect. 2. "That in lieu and in the place of the receivers-general to be discontinued under this act, it shall and may be lawful to and for the said commissioners of his majesty's treasury for the time being to nominate and appoint from time to time such of the persons for the time being appointed to execute the offices and duties of inspectors of taxes to be officers or persons for the receipt of the land-tax, and of monies payable for the sale and redemption thereof, and the respective rates and duties of assessed taxes under the management of the commissioners for the affairs of taxes, within and for such counties, districts, and circuits of receipt as the said commissioners of the treasury shall from time to time authorize or direct: and it shall also be lawful for the said last-named commissioners to grant annual allowances to such receiving inspectors as a remuneration for executing and performing the additional duties imposed on them by this act, and for the expense of a clerk, not exceeding on an average the sum of 100*l.* for such remuneration, and a like average sum of 100*l.* for such clerk."

Sect. 3. "That it shall and may be lawful for the said commissioners of his majesty's treasury to retain and continue one of the present receivers-general for the city of London and county of Middlesex, and to appoint him receiver-general of a district or circuit of receipt, to be called 'The London Receipt,' and for the other purposes hereinafter provided, which London receipt shall comprise the city of London, the city and liberty of Westminster, the county of Middlesex, and such parts of the respective counties of Surrey, Essex, and Kent, as the said commissioners of the treasury shall from time to time direct; and it shall not be necessary for any person hereafter appointed receiver-general of such receipt to have previously executed the duties of or to be also an inspector of taxes."

Sect. 7. "That every inspector to be appointed for the receipt of the taxes and monies under this act, and every receiver to be retained or continued under this act, shall attend at such places, and observe such route in proceeding from place to place for the receipt of the taxes, rates, and duties aforesaid from the several collectors of the parishes, wards, or places within the district assigned to such officers respectively, and at such times, and from time to time, as shall be directed and approved by the said commissioners for the affairs of taxes: provided always, that the allowance for travelling and incidental expenses of every such officer in attending his receipt shall not in any case exceed the respective rates allowed to a receiver-general under the authority of an act passed in the third year of the reign of his late majesty-king George the Fourth, intituled 'An Act to amend the Laws relating to the Land and Assessed Taxes, and to regulate the Appointment of Receivers-General in England and Wales.'"

Sect. 8. "That it shall be lawful for the said commissioners for the affairs of taxes to make arrangements with any person or persons to receive from any receiving inspectors, or any receivers to be continued as aforesaid, the taxes, rates, and duties aforesaid to be from time to time collected by and paid to any such officer, or his deputy duly authorized in the manner directed and allowed by this act, and to remit and pay, or cause to be remitted and paid, the several sums by such person or persons to be received into the receipt of his majesty's exchequer at Westminster, or into the Bank of England, or to the receiver-general of the London district, or to the commissioners for the affairs of taxes for the time being respectively, in such manner, at such time and times, and upon such terms and conditions, as shall from time to time be settled and allowed by the said commissioners, under the directions of the said commissioners of his majesty's treasury; and also to arrange with the same or any other persons to receive from any collector or collectors of the taxes, rates, and

1. The Acts relating to Management of Commissioners.

48 Geo. III. c. 99.

Notice thereof to be given to the party surcharged.

Surcharges omitted the first half-year, may be made for the whole year.

Persons overcharged may appeal to the commissioners (a) on giving ten days' notice to the surveyor or assessor (b).

Commissioners to hear appeals, unless notice has not been given, in which case the assessment or surcharges must be confirmed.

Assessments not to be altered before the time for hearing appeals, except in cases authorized by the act or recited acts.

Clerks or other persons altering the assessments improperly to forfeit 50*l*.

Commissioners, on hearing appeals, not to make abatement unless the party is overrated, and produces a list of particulars as required by the acts verified on oath.

such surcharges as they may lawfully make, and shall give or cause to be given to every person so surcharged, or leave or cause to be left at his or her last or usual place of abode in the district where such surcharge shall be made, notice in writing of such surcharge, and of the amount for which he or she shall have been charged by virtue of such certificate."

Sect. 22. "That if any surveyor or surveyors, inspector or inspectors, shall omit to make a surcharge on or before the first day of August in any year, it shall be lawful for the said surveyor or surveyors, inspector or inspectors, to make such surcharge or surcharges on or before the first day of January following, for the whole year."

By 43 Geo. III. c. 99, s. 24, it is enacted, "That if any person or persons shall think himself, herself, or themselves respectively overcharged or overrated by any assessment or surcharge to be made by virtue or in pursuance of any act or acts before mentioned, it shall be lawful for him, her, or them respectively, to appeal to the commissioners for putting in execution the said act or acts in relation to such assessment, on giving at the least ten days' notice thereof to the said surveyor or inspector, or to one or more of the assessors of the place wherein such assessment or surcharge shall be made, of such intention to appeal; and the said commissioners, or any two or more of them, shall and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to give such notice thereof to the proper officer aforesaid, in which case it shall be lawful for the said commissioners, and they are hereby required, to dismiss the appeal, and to confirm the assessment or surcharge appealed against."

Sect. 25. "That no assessment which shall be delivered to such commissioners, or any two or more of them, by any such assessor or assessors, shall be altered by them, or any of them, before the time for hearing and determining appeals, and then only upon a surcharge or surcharges not appealed against, and according to such surcharge or surcharges, or upon the commissioners hearing the matter of appeal particularly relating thereto, upon a general appeal-day duly appointed, save and except in such cases only where such commissioners are specially authorized to alter or rectify any such assessment by the act or acts before mentioned; and if any clerk to such commissioners, or any other person or persons, shall alter, or cause or procure or suffer to be altered, any assessment, after the same shall have been allowed by such commissioners, except as aforesaid, or in cases of appeal, and by order of the said commissioners, or any two or more of them, made after appeal as aforesaid, every such clerk or other person shall forfeit and pay the sum of 50*l*."

Sect. 26. "That the said commissioners, or any of them, shall not, upon the hearing any such appeal, make an abatement or defalcation in the charge made upon any person by assessment, or by the surcharge of any assessor or assessors, surveyor or surveyors, inspector or inspectors, as aforesaid, but the charge or surcharge shall stand good and remain part of the annual assessment, unless it shall, upon the hearing of such appeal, appear to the commissioners then present, or the major part of them, by examination of the appellant upon oath or affirmation, or by other lawful evidence to be produced by him or her, that such person is overrated in or by any such assessment or surcharge, and unless the appellant shall produce before the said commissioners a true, perfect, and

(a) The Court of Exchequer will not, upon motion, enter into any question of rateability to the assessed taxes. (*R. v. Navy (Commissioners)*, 3 *Anst.* 858.)

(b) By the 48 Geo. III. c. 141, No. 3, Rule 6, all appeals against the first assessment in every year shall be heard

and determined between the 20th of August and 10th of September following. By the same act, No. 4, Rule 2, all appeals against surcharges shall be heard and determined between the 20th of January and 20th of February following.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

Provision for assessments and duplicates not being signed in due time.

When there has not been a meeting of commissioners within the time prescribed by this act, they may meet at other times, and execute any of the powers therein contained.

Where there has been no appointment of assessors or collectors, two justices of the peace in any county, or the chief magistrate and justices in any city, &c., may appoint them (b).

Persons so appointed refusing to perform the duty, or to take the oath required, shall forfeit 50/.

shall be required according to the provisions of any act or acts concerning the same" (a).

Sect. 30. "And whereas it may happen that the assessments and duplicates of the said duties may not be signed and allowed in due time, to the prejudice of the said revenue, for want of a sufficient number of commissioners acting or attending where and when such assessments or duplicates ought to be allowed; be it further enacted, That in all cases it shall be lawful for the said commissioners appointed for putting any act or acts relating to the said duties in execution, living in any parish or place within the same county, riding or division, and they are hereby empowered and required, to allow and sign such assessments or duplicates which are or shall be wanting for any such parishes or places as aforesaid."

Sect. 31. "That if at any time there shall not have been any meeting or meetings of two or more of the said commissioners, and a due execution of any of the powers created by this act, or the act or acts before mentioned, within or at the time or times, or according to the manner or circumstances directed or prescribed in and by this act, or the said act or acts, it shall be lawful to and for any two or more of the persons appointed commissioners, and they are hereby required, in all and every the respective counties, ridings, cities, boroughs, cinque-ports, and towns respectively, in that part of Great Britain as aforesaid, wherein such default shall have happened, to meet and execute the said powers at any other time or times, anything herein contained to the contrary thereof notwithstanding; and they are hereby authorized and required forthwith, or as soon as may be after the time or times at which such meetings should have been held, and such powers should have been executed, to meet and execute the same, and cause the same to be executed, so as that all the duties by law payable on assessment be duly and effectually charged, raised, levied, collected, and paid to his majesty, his heirs and successors; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed and are hereby declared to be good and valid, to all intents and purposes, notwithstanding any such omission or defect."

Sect. 32. "That if, in any parish, ward, or place, in that part of Great Britain as aforesaid, any failure shall happen in the appointment of the assessor or assessors, or collector or collectors, whereby the assessments or collection of the duties is likely to be delayed, it shall be lawful for any two justices of the peace of any county in that part of Great Britain as aforesaid, the ridings of York, or divisions of Lincoln, whenever such failure shall happen in any parish, ward, or place within such county, riding, or division, or in any town or place adjoining thereto, such town or place not being a county of itself herein mentioned, and for the chief magistrate and justices of the peace of any city, town, or place, being a county of itself, and they and every of them, on notice of such default to be given by the surveyor, are strictly enjoined and required to appoint an assessor or assessors, or a collector or collectors, as the case may require, observing therein the rules and regulations prescribed by this act for the appointment of such respective officers by commissioners; and if any person appointed by the justices or magistrates as aforesaid, to be an assessor or collector, shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, or shall wilfully neglect or refuse to perform his duty in the speedy and faithful execution of his office; or if any person so appointed to be an assessor shall neglect or refuse to take the

(a) The commissioners were ordered by the Court of Exchequer to state and sign a case for the appellants, for the opinion of a judge, where a question arose respecting certain increase of duty made by a surveyor on the ap-

pellants. (*In re Yarmouth (Commissioners)*, 9 Price, 149.)

(b) In 48 Geo. III. c. 141, s. 1 Rule 1, where assessors are to be appointed before 1st of April, annually, see *post*.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

Collectors in the day-time may break open houses, having a warrant from the commissioners for that purpose, and taking a constable with them.

When sufficient distress cannot be found, the party may be committed to prison.

Question or difference respecting distress to be determined by the commissioners (a).

Warrants of commissioners may be executed in any part of county for which they are appointed.

When persons remove without paying the duties, the commissioners to certify the same to the commissioners of the place where the party can be found;

who are to cause the amount thereof to be levied, and to be paid to the collector of the parish where the assessment was made.

Parishes or places being in two counties, the duties to be assessed in the county where the church is situate and houses situated in two

four days, then the said distress to be appraised by two or more of the inhabitants where the said distress is taken, or other sufficient persons, and there to be sold by the said officer for payment of the said money, and the overplus coming by the said distress (if any there be), after deducting the said money, and also the costs and charges of taking, keeping, and selling the said distress, which costs and charges the said officer is hereby authorized to retain, to be restored to the owner thereof; and, moreover, it shall be lawful, in such case, to break open in the day-time any house, upon warrant under the hands and seals of two or more of the said commissioners, obtained for that purpose, calling to their assistance the constable, tithingman, or headborough, within the counties, shires, stewartries, cities, towns, and places, where any refusal, neglect, or resistance shall be made, which said officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their peril; and if any person or persons appointed to pay any of the duties charged by any act or acts, as aforesaid, shall refuse or neglect to pay the said sum or sums so appointed to be paid, by the space of ten days after demand, as aforesaid, where no sufficient distress can or may be found whereby the same may be levied, then, and in every such case, two or more of such commissioners are hereby authorized, by warrant under their hands and seals, to commit such persons to the common gaol, there to be kept, without bail or mainprize, until payment shall be made; and, if any question or difference shall arise upon taking such distress, *the same shall be determined and ended by two or more of such commissioners*'^(b).

Sect. 34. "Provided that nothing herein contained shall be construed to restrain the said commissioners, or any of them, from acting as commissioners in any part of the county, riding, division, or place for which they are appointed; and that all warrants and precepts of the said commissioners shall and may be executed by the respective persons to whom the same are directed, in any part of the same county, riding, division, or place, for which they are appointed."

Sect. 35. "And whereas it may frequently happen that persons quitting their dwelling-houses or places of residence may remove to other parishes or places, without first discharging or paying the duties charged upon him, her, or them, whereby the said duties made payable by this act will be lost, unless such person or persons so removing can, after such removal, be compelled to pay the same; be it further enacted, That the commissioners acting by virtue of this act, within such parish or place where such duties are charged upon and unpaid by the person or persons removing, as aforesaid, shall sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person or persons making such default of payment shall happen to reside; which commissioners, or any two or more of them, shall and they are hereby empowered to raise and levy the said duties charged upon the party or parties removed, as aforesaid, and cause the monies so raised and levied to be paid to the collector of the parish or place from whence the said person or persons did remove, so as the same may be paid and applied according to the true intent and meaning of this act."

Sect. 36. "That where any parish or place shall be in two or more counties, ridings, or divisions, the duties charged or to be charged in or for such parish or place shall be assessed, raised, levied, collected, and paid, by and under the commissioners acting for that part of the said parish or place where the church or other place of public worship aforesaid shall be situate, and that the whole of such parish or place shall be

(a) See note (b), preceding page.

(b) In *The Earl of Shaftesbury v. Russell*, 1 B. & C. 666; 3 D. & R. 84, S. C., it was held, that as the juris-

diction of the superior courts was not expressly taken away, an action at common law might be maintained for a wrongful distress for taxes.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

to be before them, and examine them upon oath as to the sums collected by them and paid to the receiver-general, also as to the amount of arrears, and cause thereof (a);

also the collector of any former year.

Receiver-general, Inspector, and Surveyor, when required, to assist commissioners.

Collectors neglecting their duty may be removed, and the commission may be from them to their appointed others.

Collectors who refused to deliver, on demand of the commissioners, the new collector, the certificate of non-payment, &c., or in default to fulfill his,

nevertheless twice at least, *videlicet*, on or before the *first day of November* and the *first day of May* following in every year, and so from time to time as often as shall be necessary, the several and respective commissioners appointed to put this act in execution, or any two or more of them, within their district, shall and are hereby empowered and required to call before them the collector or collectors appointed within each parish or place, as the case may require, and to examine him or them upon oath or solemn affirmation, and assure themselves of the sum or sums of money that shall have been collected and paid to such collector or collectors of the duties given to them, or any of them in charge, and to make such order therein for the payment of the same to the receiver-general, on the day or time appointed for receiving the same, as they shall judge necessary; and also to assure themselves of the sum or sums in arrear, and the cause or causes thereof; and also, upon such oath or affirmation, to examine the said collector or collectors touching the due payment over of any sum collected by him or them in any preceding part of the same year, and in every such case to make such order therein as aforesaid; and the said commissioners are hereby empowered and required, in every year, to call before them the collector or collectors appointed in each parish, ward, or place, in any former year, where any sum or sums of the duties charged by virtue of any act or acts before mentioned shall be in arrear or unpaid to the receiver-general, and to examine the said collector or collectors on such oath or affirmation as aforesaid, and to assure themselves of the sum or sums of money collected by him or them, and of the sum or sums in arrear, and also the sum or sums paid over to the receiver-general, and of the sums remaining in the hands of the said collector or collectors, and to make such order therein as they shall judge necessary to prevent any failure in the payment in any part of the assessment charged by virtue of any such act or acts, and so from time to time, as long as any of the arrears of the said duties, or any of them charged upon any of the said parishes, wards, or places, shall be in arrear; and the respective receiver-general, inspectors, and surveyors, shall, when required so to do, be assisting to such commissioners in their inquiry in all matters relating to their respective offices."

Act. 40. "That if any wilful delay or failure shall happen in demanding, receiving, recovering, or paying over any monies of the duties assessed as aforesaid, through the default or neglect of any collector or collectors, it shall be lawful for such commissioners to revoke the appointment of such collector or collectors so in default or neglecting, as aforesaid, and by indorsement on the same precept or precepts of appointment, or otherwise by their precept, to appoint a collector or collectors in his or their stead for the remainder of the year, with full power to collect the arrears of the sums then due; and it shall also be lawful for such commissioners, whenever the same shall be necessary, to revoke such last-mentioned appointment, and to appoint a collector or collectors in like manner, from time to time, and as often as any such collector or collectors shall be guilty of such default or neglect, provided security be taken, if required, as in the case of an original appointment, and provided the like security be taken on every such new appointment as shall have been required to be taken on the appointment of collectors at the commencement of any year, as hereinbefore is mentioned; and such collector or collectors so in default as aforesaid, shall, on the demand of such commissioners, deliver up to them, or in their presence, to the collector or collectors newly appointed, all such certificates of assessments which he or they were charged to collect, and all accounts of receipts and vouchers of payment as aforesaid, and also shall pay to the receiver-general all sums then in his or their hands, at such time as such commissioners shall appoint; and if any person, after such removal from the office of collector,

(a) See 20 Geo. II. c. 3, s. 34; 43 Geo. III. c. 161, s. 84; and see 48 Geo. III. c. 141.

1. *The Acts relating to Management of Commissioners.*

43 Geo. III. c. 99.

Commissioners to cause two duplicates to be made out within one month after Feb. 10; one for the receiver-general, the other to be transmitted to the Remembrance Office.

Duplicates to contain the full sum given in charge to the collectors.

same; and such part thereof which shall arise from any penalty as aforesaid, may be recovered by action or information, as other penalties may by this act be recovered, with full costs of suit; and the sum so recovered shall be paid to the receiver-general, in aid of the parish or place answerable for the same."

Sect. 46. "That the respective commissioners aforesaid shall cause two duplicates of every assessment to be made out on parchment by their clerk, within one month at farthest after the tenth day of February, after the making the said assessment yearly, and one of them to be delivered unto the respective receivers-general, and the other of them transmitted into the office of king's remembrancer in the exchequer, for which duplicates the proper officer shall give acquittances *gratis*, so as every of them may be duly charged to answer their respective collections and receipts, and the said duplicates shall be made for the same hundreds, rapes, laths, wapentakes, wards, parishes, or places or divisions, for which distinct duplicates are directed to be made out, or may be made by virtue of the said recited act for granting an aid by a land-tax before mentioned; and every such duplicate shall contain the names and surnames of the several

The protection of parishes from re-assessment is an object of the care of the Court of Exchequer; and the necessity of process of extent in the second degree for that purpose, where a collector has become defaulter, is a strong ground for granting a *fiat*; and the existing liability of the parish is consequently no answer to the objection of the crown debt not being in danger. (*R. v. W. Bell*, 11 Price, 772.)

Distinction between extent in aid and extent in chief in the second degree:—

The statute of the 57 Geo. III. does not apply to extents in chief in the second degree. Therefore, the crown may proceed by extent to recover a small debt due from a person indebted to the crown debtor (a collector of taxes), who had received and misapplied the crown's money, although he be not a debtor to the crown within the fourth section of that statute. Neither does the recent rule of court, respecting extents in aid, apply to extents in chief in the second degree. It is not necessary, in the affidavit made for obtaining a baron's *fiat* for such an extent, in such a case, that there should be any averment of the insolvency of the crown debtor, or any fact stated from which it may be inferred. (*Id. ibid.*)

Nor is it necessary, in such a case, that collusion should be negatived. (*Id. ibid.*)

The sheriff is entitled to levy costs, under 43 Geo. III. c. 99, on an extent against a collector of taxes; and the sheriff's poundage is included in the word charges, and may be levied; and it is payable where the money is paid in before a *venditioni exponas* has issued, although that proceeding is obviated thereby.

But if the agent in the country, of the solicitors for taxes, have received any money from the defendant as costs under the levy, or the sheriffs have taken anything for extra costs, as bailiff's fees and keeping possession, the court will order them to refund.

It does not seem to be necessary under that act, that the commissioners should issue their warrant against the collector to recover the duties detained, to authorize the issuing of an extent against him as a condition precedent; or, if it be, it is rather a ground of a motion to set aside the extent for irregularity.

The bill of the solicitors prosecuting the extent for the crown may be taxed. (*R. v. Collingridge*, 3 Price, 280.)

It was doubted whether a re-assessment could go for the duties on carriages, servants, and horses. (*R. v. Wimbledon*, 3 Anst. 855.)

If the acting commissioners of taxes refuse (unless indemnified) to proceed to make a *re-assessment* on a parish, to which the deficiency applies, in execution of the powers entrusted to them by the several acts of parliament, where an *insuper* has been set on the parish, whose collector is a defaulter, the Court of Exchequer will order them to do so, by rule to show cause, in the nature of a *mandamus*; and will also order a service on their clerk to be deemed good service: the crown is not limited to any time within which to make such an application. (*In re Wootton*, 6 Price, 105.)

In *R. v. Deane*, 2 Anst. 369, it was held, that where a collector of revenue gave a bond to the crown, the penalty is a security against all the expenses of process and execution against him.

1. *The Acts relating to Management of Commissioners.*

43 Geo. III. c. 99. *distringas*, on application of commissioners of taxes.

Commissioners of taxes to certify to the Court of Exchequer when the persons against whom such writ shall issue have complied with the directions of the act, upon which the process may be respited or discharged.

for the hundred, rape, lath, wapentake, city, ward, town, or place, or the division wherein such failure hath happened, or any two or more of them residing within such division, hundred, rape, lath, wapentake, city, ward, town, or place, and also the names of the assessors and collectors, and the several persons belonging to such parish or place charged to such duties, and who shall have made failure in the payment thereof, in case an assessment shall have been made, which said commissioners, assessors, and collectors, and any person or persons charged with such duties, shall be respectively liable to process for such neglect by the order of such barons, according to the exigency of the case, which process shall be by writ of *distringas*, to be forthwith, and from time to time, as there shall be occasion, issued out of the said court, on the application of the commissioners for the affairs of taxes, against such of the said commissioners, officers, or persons, who shall have made such failure, upon which writ of *distringas*, the sheriff or other officer to whom the same shall be directed, shall return such issues as the said court shall order at the return of such writ; and immediate process shall thereupon issue for levying the same, out of and under the seal of the said Court of Exchequer, unless the said commissioners for the affairs of taxes shall certify to the said court, if in the term time, or to any one of the said barons, if in the vacation, that the commissioners, officers, and other persons, against whom such writ issued, have complied with the directions of this act, in which case it shall be lawful for such court or baron to cause such process to be respited till a future day, and so from time to time, or to be finally discharged" (a).

59 Geo. III. c. 118. Not liable to assessment after the 5th April which shall next happen after bankruptcy or insolvency, for articles kept and used for trade.

But by stat. 59 Geo. III. c. 118, s. 1, no person or persons becoming bankrupt or who shall have become bankrupt or insolvent shall be liable to be assessed to the duties of assessed taxes, after the fifth of April next after the time of such bankruptcy or insolvency, in respect of any article or articles kept and used for the purposes of trade, at or before the time of such bankruptcy or insolvency, which article or articles shall have been seized or surrendered, and *bonâ fide* sold under or by virtue of such bankruptcy or insolvency, and not kept or used by such bankrupt or insolvent, after the fifth day of April next after such bankruptcy or insolvency: provided that nothing herein contained shall be construed to affect the payment by the assignee or assignees of every such bankrupt or insolvent, and such assignee or assignees shall pay the duties assessed on every such bankrupt or insolvent, at the time of such bankruptcy or insolvency, up to the fifth day of April next after the same shall have happened, as if this act had not been made.

By stat. 5 & 6 Will. IV. c. 20, s. 16, after reciting, that by stat. 4

(a) If the acting commissioners of the land-tax, assessed taxes, &c., refuse (unless indemnified) to proceed to make a re-assessment on the parish to which the deficiency applies, in execution of the powers entrusted to them by the several acts of parliament, where *in-super* has been set on the parish whose collector is a defaulter, the court will order them to do so by rule to show cause in the nature of a *mandamus*. (*Ex parte the Inhabitants of the Parish of Wootton, Bedfordshire*, 6 Price, 103.)

If there be two collectors of taxes appointed under the 43 Geo. III. c. 99, s. 13, for a single parish, by the commissioners, one for one division of the parish, called the Upper Parish, and one for another, called the Lower Parish, and they accordingly collect

the taxes separately from the several inhabitants of their respective divisions, in case of a deficiency in the amount of the taxes collected, through the misconduct of either, the whole parish must be re-assessed, and not the particular district the collector of which has misapplied the money, and from the collection of whose taxes the deficiency arises; although the taxes of the other division have been collected and paid over to the receiver general, the appointment being held by the court to be considered as one appointment of two for the parish, which would be valid under the act, and not of one for each subdivision, which would be invalid. (*Ex parte the Inhabitants of the Parish of Henllan Denbighshire*, 7 Price, 594.)

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99. duties to the receiver-general or his deputy.

Notice of appointment of deputies to be given to commissioners.

Receiver-general to give receipts to collectors, gratis.

Receiver-general to hasten collectors to make payments, and in default to cause the same to be levied by warrant of the commissioners upon the collector's goods.

Collector not obliged to travel above ten miles to make his payments to the receiver-general.

Collector gathering by a false book, or receiving more than is charged in the rate, or fraudulently altering any rate, to forfeit 100%.

If collectors refuse to pay the duties received by them, or to deliver their accounts, the commissioners may imprison them, and seize their estate and effects.

Commissioners seizing collector's estate, &c., to appoint a meeting, giving ten days' notice thereof.

times as shall be appointed for the payment thereof, be paid by the particular collectors who shall collect the same unto the receiver-general now or for the time being appointed by his majesty, his heirs or successors, or by the lord high treasurer for the time being, or the commissioners of the treasury for the time being, or any three or more of them, to receive the same, or the deputy or deputies of such receiver-general, to be appointed under his hand and seal, and whom he is hereby authorized to appoint, and for whom he shall be answerable, whereof notice shall be given by the receiver-general unto the commissioners, or any two or more of them, within their respective districts, within twenty days after the first meeting, yearly, and so from time to time, within twenty days after every death or removal of any deputy, whenever any such shall happen; and the said receiver-general, his deputy or deputies, shall give receipts *gratis* to the said collectors for all monies by them received in pursuance of such act or acts; and the receipt of such receiver-general, his deputy or deputies, or any of them, shall be a sufficient discharge unto every such collector."

Sect. 49. "That the receivers-general, their deputy or deputies, are hereby empowered and required to call upon and hasten the collectors to make the payments of all sums received by them of such duties as aforesaid, and in default of such payment, to cause the same to be levied by warrant under the hands and seals of any two or more of such commissioners, upon the collectors, by distress and sale of his or their goods and chattels, such sum and sums of money as he or they hath or have received, and as ought by him or them to have been paid and is not paid."

Sect. 50. "That the particular collectors for payment of any sums by them received, unto such receiver-general or his deputy, shall not be obliged to travel above ten miles from the place of their habitations."

And see the sections 39, 40, 41, *ante*, 31 to 33; sections 43, 44, 45, *post*, 39, 40.

Sect. 51. "That no collector or collectors of any of the duties herein mentioned shall collect or gather the same by any rate or book, other than such rate and book as shall be signed and allowed by such commissioners as aforesaid, or any two or more of them; and that in case any such collector or collectors shall collect the same by any other rate or book, or shall receive such duties from any person or persons not charged therewith, or shall collect from any person or persons more money than is actually charged in such rate or book, and not pay the whole money by him collected, or fraudulently alter any such rate or book, after the same hath been signed and allowed by such commissioners as aforesaid, every such collector or collectors shall for every such offence forfeit the sum of 100%."

Sect. 52. "That if any such collector or collectors shall neglect or refuse to pay any sum or sums of money which shall be by him or them received as aforesaid, as in and by this act is directed, and shall detain in his or their hands any money received by them or any of them, and not pay the same at such time as by this act is directed, or shall have wilfully refused to give an account to such commissioners as aforesaid, of the sum by him or them collected in manner before directed, the said respective commissioners, or any two or more of them, in their respective jurisdictions, are hereby authorized and empowered to imprison the person and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of such collector or collectors, to him or them belonging, or which shall descend or come into the hands or possession of his or their heirs, executors, or administrators, wheresoever the same can be discovered and found; and such commissioners who shall so seize and secure the estate of any collector or collectors, shall and are hereby empowered to appoint a time for a meeting of the commissioners for such division, city, town, or place, and there to cause public notice to be given of the place where such meeting shall be appointed, ten days at least be-

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

Commissioners after examination on oath of collector, shall make out schedules of sums discharged from assessments, and sums with which defaulters ought to be charged, and sums which ought to be re-assessed upon the parish, and deliver the same to the receiver-general to be returned into the exchequer, that process may issue.

In default of such schedule, the receiver-general to return the parish *insuper*.

Collector neglecting to make returns, to forfeit 100*l*.

Commissioners empowered to seize and sell estates of collectors making default.

Notice of meeting for that purpose.

Proceeds of sale, how disposed of.

affirmations as aforesaid of the collectors, shall ascertain the sums which, according to the provisions of any of the said acts herein mentioned, shall have been discharged from assessment for any cause therein specially allowed; and the said commissioners shall also make out their schedules containing the sums so discharged, and the sums with which each and every such defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place as aforesaid, and shall cause the said several particulars to be inserted in a schedule fairly written on parchment, under the hands and seals of such commissioners, or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the receiver-general, to be returned by such receiver-general into his majesty's said Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place, so in default, may be charged by process of court according to the course thereof in that behalf; and, in default of such schedule made out according to the directions of this act, it shall be lawful for the receiver-general, and he is hereby required, to return every such parish, ward, or place *insuper*, for all sums not paid to the receiver-general, and contained in the duplicate of assessment to him delivered, *and all such sums so returned shall in such case be re-assessed on such parish, ward, or place*; and all and every the proper officers therein concerned shall, and they are hereby required, to take care, from time to time, that such process be duly issued and made effectual, so that all such sums as shall be in arrear and unpaid as aforesaid, may be speedily recovered and paid into his majesty's exchequer; and if any such collector shall neglect or refuse to make such return in manner before directed, every such collector shall forfeit the sum of 100*l*."

3 Geo. IV. c. 88, s. 3, enacts, "That if any collector or collectors of the said duties and sums of money aforesaid, or any of them, shall neglect or refuse to pay any sum or sums of money which shall be by him or them received as aforesaid, as in and by the said several acts, or by this act, is directed, and shall detain, in his or their hands, any money received by him or them, and not pay or account for the same in manner directed by the said acts or this act, the commissioners acting in the execution of the acts relating to the said duties, or any two or more of them, in their respective districts, are hereby authorized and empowered to imprison the person, and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of such collector or collectors, to him or them belonging, or which shall have descended or come into the hands or possession of his or their heirs, executors, administrators, or assigns, wheresoever the same can be discovered and found; and the said commissioners who shall so seize and secure the estate of any collector or collectors, or any two or more of the commissioners acting as aforesaid in the same district, shall and are hereby empowered to appoint a time for a meeting of the commissioners for such division, city, town, or place, and then to cause public notice to be given of the place where such meeting shall be appointed, ten days at least before such meeting; and the commissioners of such division, city, town, or place, present at such meeting, or the major part of them, in case the accounts of such collector be not duly delivered, or the monies detained by any such collector or collectors be not paid or satisfied, as ought to be done, according to the directions of the said acts or of this act, shall be and are hereby empowered and required to sell and dispose of all such estates which shall be, for the cause aforesaid, seized and secured, or any part of them, to satisfy and pay into the hands of the receiver-general the sum that shall not be so accounted for, or shall be so detained in the hands of such collector or collectors, their heirs, executors, or administrators respectively, together with the reasonable costs and charges of recovering, raising, and paying the same, which costs and charges shall be ascertained and settled by the

1. *The Acts relating to Management of Commissioners.*

5 & 6 W. IV. c. 20.

43 Geo. III. c. 99
'11).

Parchment schedules of defaulters to be deposited with the commissioners of stamps and taxes.

Parchment duplicates of assessments not to be transmitted to the king's remembrancer.

certificate, shall cause the same to be inrolled in his office, and such inrolment shall be and be deemed a record in his office as valid and effectual to authorize the issuing of any process or processes in the law against the county, division, parish, ward, or place, and the person or persons, so rendered chargeable, and to and for all other intents, constructions, and purposes whatsoever, as if such county, division, parish, ward, or place, or person or persons, had been actually returned ~~in~~ in any declared account duly inrolled as of record in the office of the said remembrancer."

Sect. 13. "And whereas by an act passed in the forty-third year of the reign of king George the Third, intituled 'An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same,' it is enacted, that the commissioners of taxes shall make out their schedules containing the sums discharged from assessment for any cause specially allowed by law, and the sums with which each and every defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place, and shall cause the said several particulars to be inserted in a schedule fairly written on parchment under the hands and seals of such commissioners, or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the receiver-general, to be returned by such receiver-general into his majesty's Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place so in default, may be charged by process of court according to the course thereof in that behalf: and whereas it is expedient that such schedules as aforesaid should be deposited and remain with the said commissioners of stamps and taxes at their head office; be it therefore enacted, That all such schedules as aforesaid which shall be made out at any time after the commencement of this act shall be delivered over or transmitted by the receiver-general, receiving inspector, or other receiver to whom the same shall have been delivered, to the commissioners of stamps and taxes, and shall be deposited and remain in the head office of the said last-mentioned commissioners; and the production of any schedule so deposited and purporting to contain the name or names of any such defaulter or defaulters as aforesaid shall be conclusive evidence against any person named therein as making default of payment, and against every parish, ward, or place named therein as in default, of the sum or sums mentioned in any such schedule being due and owing and in arrear and unpaid to his majesty, his heirs and successors, unless payment thereof shall be proved; and every such sum shall be recoverable from the person and persons making default of payment thereof as a debt upon record to the king's majesty, his heirs and successors, with full costs of suit, and all charges attending the same."

Sect. 14. "So much and such part and parts of any act or acts in force as require the commissioners for the affairs of taxes to transmit to the king's remembrancer in England the parchment duplicates of assessments of the land-tax or assessed taxes, shall be and the same are hereby repealed: provided always, that such duplicates shall continue to be furnished and transmitted to the commissioners of stamps and taxes in the manner directed and required by the laws in force, and the

(a) Arrears of assessed taxes cannot be recovered by information in the nature of a popular action of debt, under the 43 Geo. III. c. 99, s. 45, and this 13th section of 5 & 6 Will. IV. c. 20, because of the words in the 13th section, which provides that the amount "shall be recovered from the

person and persons making default of payment thereof, as a debt upon record to the king's majesty." The proceedings ought to be by *scire facies* or *extent*, or information upon the record itself. (*Attorney-General v. Sewell*, 4 M. & W. 77; 6 Dowl. P. C. 673; 8 C. & P. 376.)

1. *The Acts relating to Management of Commissioners.*

1 Vic. c. 61, s. 8.

and successors; or by any other ways or means whereby any debt of record or otherwise due to the queen's majesty, her heirs or successors, can or may at any time be sued or prosecuted for or recovered, as well as by the summary means specially provided by the said acts or any of them for levying the said duties; and in any proceeding for the recovery of any of the said duties, the production of any schedule made or purporting to be made in pursuance of the said act in that behalf, passed in the forty-third year of the reign of King George the Third, and purporting to contain the name or names of any such defaulter or defaulters as aforesaid, shall be sufficient evidence of the sum or sums mentioned in any such schedule having been duly charged and assessed upon such defaulter or defaulters respectively, and of the same being due and owing, and in arrear and unpaid, to her majesty, her heirs and successors."

See the other provisions of this statute, *post*.

8. PROVISIONS FOR ENFORCING THE ACT.—PENALTIES, PROTECTION TO OFFICERS, &c.

43 Geo. III. c. 99. Constables, &c. to be aiding, &c. in the execution of this act.

43 Geo. III. c. 99, s. 59. "That all constables, headboroughs, tithingmen, and other his majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and of every act or acts for granting duties to be assessed under the regulations of this act, and to obey and execute such precepts and warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any two or more of them."

Persons obstructing officers to forfeit 50*l*.

Sect. 60. "That if any person or persons shall, at any time hereafter, wilfully obstruct any assessor or assessors, collector or collectors, surveyor or surveyors, inspector or inspectors, in the due execution of his or their said office or offices, duty or duties respectively, such person or persons shall, for every such offence, forfeit the sum of 50*l*."

Officers to follow instructions, &c. of commissioners of the treasury.

Sect. 61. "That the said receivers-general, their deputy and deputies, surveyors, inspectors, and all other officers and persons who shall be employed in the execution of this act, or any act or acts for granting duties to be assessed under the regulations of this act, shall observe and follow such orders, instructions, and directions, as they shall from time to time receive from the said commissioners of the treasury, or any three or more of them, now or for the time being, or the high treasurer for the time being."—And see sects. 67, 68, *post*, 46.

Application of penalties sued for within twelve months.

Sect. 62. "That one moiety of all pecuniary penalties and forfeitures imposed by this act, or any act or acts for granting duties to be assessed under the regulations of this act, may, if sued for within the space of twelve calendar months from the time of such penalties being incurred, in manner herein next mentioned, be to his majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same within the time aforesaid, except where any penalty is or shall be directed to be paid to the use of the poor of any parish; and all such penalties may be sued for in his majesty's Court of Exchequer at Westminster, for offences committed in England or Berwick-upon-Tweed, or in the Courts of Great Sessions in Wales, for offences committed in Wales, by action of debt or information, wherein no essoign, protection, privilege, wager of law, nor more than one imparlance, shall be allowed; but nevertheless it shall be lawful for his majesty's attorney-general, in case it shall appear to his satisfaction that any penalty or forfeiture was incurred without intention of fraud, to stay all further proceedings in such suits or prosecutions, by entering a *noli prosequi*, or otherwise, with respect as well as to the share of such penalty or forfeiture claimed by such informer or informers, as to the share thereof belonging to his majesty."

Attorney-general may stay proceedings.

Recovery and application of penalties not sued for

Sect. 63. "That any such penalty or forfeiture shall be recoverable in the name of his majesty's attorney-general, on the part of his majesty, by information in the Court of Exchequer at Westminster; and in default of

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

* Sic in act.

Indictments for perjury, where to be tried.

Books of assessments and all other books and papers relative to the duties to be the property of the commissioners of districts for the time being, and in succession.

Persons having any books or papers relating to the duties, to deliver same to persons appointed by commissioners of taxes, under penalty of 50*l*.

Persons receiving same to deliver them to such of the commissioners for executing this act as the commissioners of taxes shall direct.

Commissioners executing this act not liable to penalties in the 25 Car. 2, c. 3, s. 69.

commissioners for executing this act, or any of them, touching a matter or thing within the intent and meaning of this act, or any act for granting duties to be assessed under the regulations of this act, be prosecuted for the same; every such person or persons convicted thereof shall be subject and liable to the same punishments and disqualifications as persons are subject and liable to for wilful and corrupt perjury, by the laws and statutes of the realm of England.

Sect. 66. "That any indictment or information for perjury committed in any such examination, affidavit, or deposition whereon the same shall be made, shall and may be laid, tried, and determined in the county where the same shall be exhibited to the commissioners in pursuance of this act, or the said act or acts before mentioned."

Sect. 67. "That all and every the duplicates of the several assessments which have been or shall be made and delivered to the respective assessors of the said several duties, to the commissioners of the said division or place, or to their respective clerks for the time being, as are or shall be in the custody, keeping or possession of such commissioners or clerks respectively, and all minute-books, and other public books and papers relating to the said several duties, in the custody, keeping or possession of any such clerk or clerks, who hath or have been, or shall be removed from such office or offices, or in the custody, keeping, or possession of the executors, administrators, or other legal representative person or persons who hath or have died, or shall die during his or their holding such office or offices, or after his or their removal from the same, or in the custody, keeping, or possession of his or their respective agent or attorney, or of any other person or persons soever, shall be deemed, and are hereby declared to be the property of the commissioners of the said several duties, acting in the respective divisions or places for the time being; and in succession, as records of and belonging to the said commissioners, for their use and inspection, and shall be kept and deposited with and remain in the custody, keeping, and possession of them the said commissioners, or their respective clerks for the time being, or such other person as the said commissioners, or any two or more of them, for the time being, shall from time to time at their order, direct, or appoint."

Sect. 68. "That all and every person and persons whatever, not being at any time hereafter, having in his or their custody, keeping, or possession any such books or papers aforesaid, relating to the said several duties mentioned in this act, shall, within the space of one calendar month next after the giving of notice in writing, signed by three or more of the commissioners of the affairs of taxes (a true copy thereof being given to or left at the place of abode of such person or persons), deliver and give up the same books and papers unto such person or persons as the said commissioners for the affairs of taxes by such notice shall order and appoint to receive the same; and receipt of the same shall be a good and sufficient discharge to the person or persons so delivering such books and papers; and if any person or persons now or at any time hereafter having in his or their custody, keeping, or possession, any such books or papers, shall neglect to deliver the same within the time limited by such notice, or on demand made, he or they shall for every such offence forfeit and pay the sum of 50*l*.; and all such books and papers shall be delivered by such person or persons so appointed to such of the commissioners for executing this act, as the said commissioners for the affairs of taxes shall think proper, for the effectual and speedy execution of the powers and authorities by this act granted."

Sect. 69. "That no such commissioner or commissioners, who shall be employed in the execution of this act, or any act or acts for granting duties to be assessed under the regulation of this act, shall be liable to any punishment or by reason of such execution, to any of the penalties mentioned in the act, made in the twenty-fifth year of king Charles the Second, for preventing the spreading of dangers which may happen from popish recusants."

1. *The Acts relating to Management of Commissioners.* authorities reposed in me as a commissioner, by an act passed in the forty-third year of the reign of king George the Third, intituled 'An Act' [here insert the title of this act], or by any other act or acts, granting to his majesty any duties to be assessed under the regulations of the said act; and that I will judge and determine upon all appeals, and all other matters and things, which shall be brought before me as a commissioner under the said acts, or any of them, without favour or affection. "So help me God."

48 Geo. III. c. 99.

SCHEDULE (B.)

"The Form of the Oath or Affirmation required to be taken by Assessors before they act in Execution of this Act.

"I, A. B., do swear [or affirm, as the case may require], that I will diligently execute the office of an assessor, to which I am appointed by authority of an act passed in the forty-third year of the reign of king George the Third, intituled 'An Act' [here insert the title of this act]; and that, in the assessment which I am required to make by any other act or acts, granting to his majesty any duties to be assessed under the regulations of the said act, I will faithfully and honestly act, without favour or affection, according to the best of my skill and knowledge." "So help me God."

Forms.

Forms of Information, Summons, and Conviction, against a Collector of Taxes, for Neglect of Duty, on the 43 Geo. III. c. 99, s. 16, *ante*, p. 12; and 3 Geo. IV. c. 88, s. 2, *ante*; and 3 Geo. IV. c. 23, *ante*.

1. Information.

1. Information. County of } The information and complaint of A. B., of _____, in the parish _____ of _____, in the county of _____, Esq., made on oath before us, E. F. and G. H., Esqrs., two [or, me, I. K. Esq., one, &c., according to the 3 Geo. IV. c. 23, s. 2] of the commissioners for executing in the said county the several acts relating to the duties of assessed taxes, appointed to act as such commissioners [or, commissioner, as the case may be] in the district [or as the case may be] of _____, in the said county, on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____; who says that L. M., of the parish of _____, aforesaid [yeoman], being one of the collectors of taxes duly appointed in and for the said parish of _____, in the said county, from the [fifth] day of [April], one thousand eight hundred and _____, to the [fifth] day of [April] following, and having taken upon himself the said office, did neglect his duty as said collector; for that he, the said L. M., on, &c. [state the facts complained of, following as nearly as possible the words of the statute which created the offence, and showing such offence], contrary to the statute in that case made and provided; for which offence, and by which neglect of duty, he, the said L. M., hath forfeited a sum not exceeding 20l., to be distributed as the statute directs. Whereupon the said A. B. prays the judgment of us [or, two of], the said commissioners of taxes, in the premises, and that the said L. M. may be summoned to answer the premises before us [or, two of], the said commissioners.

Exhibited and sworn before us, E. F. and G. H.
[or, me, I. K., as the case may be].

A. B.

2. Summons thereon.

2. Summons thereon.

County of } To L. M., of _____, in the parish of _____, in the county of _____.

Whereas information and complaint have been made before me, I. K., Esq., one [or, if before two commissioners, say, us, E. F. and G. H., Esqrs., two] of the commissioners for executing the several acts relating to the duties of assessed taxes, and appointed to act as such commissioner [or, commissioners, as the case may be] in the district of _____ [or as the case may be], in the said

Forms.

who informed the said commissioner [or, commissioners] of the said offence, to be paid to the said A. B. by the receiver-general for the said county of _____, and we do hereby assess the said sum of [5l.] upon the said L. M., and charge and require the same to be charged in the assessment of the said parish of _____, according to the directions of the statute, to be levied in like manner as the duties of assessed taxes; and which adjudication and assessment we do hereby certify to the commissioners of taxes, as the act directs. Given under our hands and seals, at _____, in the said county, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

E. F.

G. H.

See further, acts 1 & 2 Will. IV. c. 18; 4 & 5 Will. IV. c. 60; 5 & 6 Will. IV. c. 20.

II. The Acts regulating the Assessments and Collections, &c. (a).

[48 Geo. III. c. 141; 50 Geo. III. c. 105.]

These several provisions may be arranged under the following heads:—

1. *Of the Appointment of Assessors, and when Collectors may act in their place*, p. 50.
2. *Of Services of Notices*, p. 51.
3. *Of Certificates of Assessment and Estimates*, p. 52.
4. *Of Surcharges*, p. 54.
5. *Rules and Directions for paying to the Receiver-General, and accounting for the Duties received by the Collectors*, p. 65.
6. *Of the Inspectors-General*, p. 67.

Assessors shall be appointed, and duties assessed according to the following rules.

The 48 Geo. III. c. 141, s. 1, after reciting, that “whereas it is expedient that certain of the powers and provisions for assessing and collecting the duties under the management of the commissioners for the affairs of taxes in Great Britain, should be varied and amended in the particulars hereinafter mentioned,” enacts, “That from and after the period appointed for the commencement of the rules contained in this clause, all appointments of assessors shall be made, and also all notices required to be affixed on any place, or to be delivered to or served on any person or persons for the purpose of returning or estimating the said duties respectively, shall be affixed, delivered, or served, and all assessments of the said duties, or any of them, shall be returned, estimated, ascertained, and made, and the said duties shall be collected, levied, paid over, and accounted for, under and subject to the following rules and directions, which shall be deemed a part of this act, as if the said rules and directions had severally and respectively been inserted herein under a special enactment.”

“No. I.—Rules and Directions for appointing Assessors of the Duties under the Management of the Commissioners for the Affairs of Taxes, after the Expiration of the Year 1808.”

Assessors shall be appointed before the 6th of April yearly.

“First.—It shall be lawful for the respective commissioners acting in the execution of the several acts relating to the said duties respectively, and they are hereby respectively required to appoint assessors for each parish, ward, and place within their respective divisions, before the commencement of each year for which such appointment shall be made, and to do and complete all acts necessary to such appointment, so that the assessors to be appointed may enter on their office on the 6th day of April in each year, pursuing, in all other respects, the directions contained in the said acts respectively in relation to such appoint-

(a) See general division of the subject, *ante*, p. 3.

2. The Acts regulating the Assessments and Collections, &c.

48 Geo. III. c. 141.

Time of delivery.

Assessors and collectors shall observe the directions of inspectors and surveyors.

Time of delivering certificates of assessment.

For making assessments in default of return.

First assessment shall be made without including matters of surcharge.

persons for the purpose of returning or estimating the said duties respectively, shall be delivered by the respective surveyors of the districts in which such notices are required (or by the inspectors for the same districts, or by any other inspectors or surveyors of the same duties, duly authorized to take charge of such districts respectively, by or under the commissioners for the affairs of taxes, or any three or more of them) to the respective assessors appointed or acting in pursuance of this act, or to the respective collectors on whom the duty of assessor shall have devolved as aforesaid, for the purpose of serving the same on the respective persons liable to the said duties, in the manner required by the said acts."

"Second.—All such notices shall be delivered to such assessors or collectors as aforesaid, on or as soon after the 6th day of April in each year as the same can be done; and the delivery of such notices by such inspectors or surveyors, or any of them, shall be as effectual as if the same had been delivered by the commissioners of the division according to the directions of the said acts."

"Third.—The said assessors and collectors respectively are hereby required to observe such directions as may from time to time be given to them by the said inspectors and surveyors, in all matters touching the time and manner of fixing or delivering or otherwise serving such notices, and the persons on whom the same are to be served, such directions having been previously seen and allowed by the commissioners acting for the division in which the said inspector or surveyor shall act."

"No. III.—Rules and Directions for making and returning the Certificates of Assessment, or Certificates of Estimates, by Assessors acting under the said Acts, and for making and collecting the First Assessments in each Year."

"First.—The assessors of the said respective duties shall deliver their certificates to the respective commissioners on or before the day which such commissioners shall appoint for that purpose yearly, which day so to be appointed for the delivery of the certificates of assessment of the duties of assessed taxes shall not be later than the 20th day of June in each year of assessment; and the day to be appointed for the delivery of the certificates of estimates of property, or profits of professions, trades, and offices, shall not be later than the 20th day of July in the same year, on which days respectively the said assessor shall also deliver to the respective commissioners all the returns or statements relative to the said respective duties made to the said assessors before the respective days so appointed; and all the returns and statements made by the parties to be charged, which shall be delivered after that day, shall be delivered to the respective commissioners."

"Second.—In all cases relating to the duties of assessed taxes, where the assessor or assessors shall not have received any return from any person or persons liable to be charged to the said duties, it shall be lawful for such assessor or assessors, and he and they is and are hereby required, to make a true assessment on such person or persons, to the best of his or their information and judgment, of the real charge which ought to be imposed; and in all cases relating to the duty on property, professions, trades, and offices, where the respective assessors shall not have received any statement from any party or parties liable to be charged to the said duties, it shall be lawful for the said assessor or assessors to estimate the property of such parties respectively, and the profits arising from any professions or trades exercised, or any offices held by such parties respectively, according to the best of his or their information and judgment; and in case the said assessor or assessors shall not so estimate the property or profits of any such party or parties who shall not have made a return for that year, then such assessor or assessors shall return to the said commissioners the name and place of residence of every such party; and where the respective commissioners shall also not have received any statement, it shall be lawful for the said respective commissioners to make an assessment on such party or parties either in the said sums respectively, and to the same amount, as the said parties respectively were charged in the last assessment of the said duties for the said division, or according to the best of their judgment, subject to alteration by appeal or surcharge, in the manner directed by the acts relating to the said duties."

"Third.—The first assessments to be made of the said duties or any of them, for any year, shall be made according to the estimates or returns and assessments mentioned in the preceding rule, without including therein any matters

2. The Acts regulating the Assessments and Collections, &c.

42 Geo. III. c. 141.

Time of delivering duplicates of first assessment.

Cases not then determined to be added to first assessment.

Time of making surcharges.

Time of making appeals from surcharges.

Supplementary assessments to be made on the surcharges after ap-
peals.

proved before the respective commissioners on the oath or solemn affirmation of the party, it shall be lawful for the respective commissioners to enter such appeal after the time herein limited, or to postpone the hearing thereof for such reasonable time as shall be necessary, so that no delay shall be thereby occasioned in the payment or collection of the sums contained in the said first assessment."

"Seventh.—The said respective commissioners shall cause to be delivered to the respective collectors their duplicates of the first assessment, including in such duplicates as well all such matters as have been appealed against and determined by the said commissioners, as all such matters as have been assessed and not appealed against; and all such duplicates shall be delivered within the respective times hereinafter limited; that is to say, the duplicates of the duties of assessed taxes on or before the 20th day of September yearly, and the duplicates of the duties on property, professions, trades, and offices, on or before the 20th day of December yearly, to which duplicates respectively warrants shall be annexed for collecting the duties therein contained, within the times respectively before prescribed."

"Eighth.—All such assessments which shall not have been made on or before the 20th day of September, in respect of the duties of assessed taxes, and the 20th day of December, in respect of the duties on professions, trades, and offices, or against which any appeal shall be depending on those days respectively, shall, on the making or determining the same from time to time, be added to such first assessments and to the respective duplicates thereof; and the duties therein, or the moieties thereof which ought to have been previously collected or paid, shall be collected, levied, or paid, on or before such day or days as the respective commissioners shall order by their warrant annexed to the duplicates of such added assessments, such day not being later than twenty-one days after the making such assessment, or determining the appeal thereon."

"No. IV.—Rules and Directions for making and collecting the *Supplementary Assessments* in each Year."

"First.—If any inspector or surveyor shall have surcharged any person or persons for any matter or thing for which a surcharge is allowed by the acts relating to the said duties respectively, it shall be lawful for such inspector and surveyor to deliver his or their certificates of surcharge, explicitly stating the particulars in respect to which such surcharge has been made, to the respective commissioners in respect of the duties of assessed taxes, at any time on or before the 15th day of December in each year of assessment for the whole of such year, and in respect of the duties on property, professions, trades, and offices, at any time after the time herein prescribed for making the first assessments of the said duties for that year, and from time to time until the commissioners shall have completed all the assessments of their division for that year, and shall have delivered, in the manner directed by the said acts, the duplicates thereof, and the same shall have been entered of record in his majesty's Exchequer, which certificates of surcharge shall be signed and allowed by two of the respective commissioners, under the restrictions, and subject to appeal under the conditions prescribed by the said acts respectively."

"Second.—All appeals against such surcharges relating to the duties of assessed taxes shall be heard and determined by the commissioners of the division, or any two or more of them, between the 20th day of January and the 20th day of February following; and all appeals against such surcharges relating to the duties on property, professions, trades, and offices, shall be heard and determined according to the directions of this act before prescribed, in respect of appeals against the first assessments of the same duties by the respective commissioners: provided always, that in every case where the party surcharged shall have been prevented by absence or sickness, or other sufficient cause, to be proved before the respective commissioners on the oath or solemn affirmation of the said party, from appealing within the time herein limited, or from attending in person at the time limited for hearing such appeals, it shall be lawful for the respective commissioners to enter such appeal after the time herein limited, or to postpone the hearing thereof for such reasonable time as may be necessary."

"Third.—The said certificates of surcharge, amended according to the determination of the respective commissioners, shall be a sufficient authority to them, and they are hereby required, to cause supplementary assessments to be made

out of the said duties respectively, including therein all matters so surcharged, 2. *The Acts as well such matters as have not been appealed against, as the matters determined by the said commissioners, which matters shall be severally charged to the said duties respectively, according to the said certificates of surcharge, amended, in cases requiring amendment, according to the determination of the said commissioners, and also including therein the double duties or moieties, or parts thereof assessed, over and above the rates of duty prescribed by the said acts respectively, and also all fines and penalties imposed on any person or persons by the said respective commissioners, within the year of assessment, for offences committed against the said acts or this act; which double duties or moieties, or parts thereof, and penalties, shall severally and respectively be added to such supplementary assessments, and be collected therewith.*" *regulating Assessments and Collections, &c.*

48 Geo. III. c. 1

"Fourth.—The duties and sums of money contained in the supplementary assessments of each year, which shall be completed within the time herein limited, shall, if not sooner paid or satisfied according to the directions of the said acts respectively, be collected and levied at the respective times hereinbefore appointed for payment of the last instalment of the duties contained in the first assessments of the said duties respectively for that year; and each assessment thereof shall be collected, levied, or paid in one sum." *Supplementary assessments to be paid on the last instalment of the duties on the first assessments.*

"Fifth.—In all cases where the said duties, or any of them, shall not have been ascertained and assessed before the respective days appointed by this act for payment of the last instalment thereof, the same respectively shall and may be assessed from time to time, until a complete assessment be made, and shall be collected, levied, or paid in one sum within twenty-one days after notice of the amount contained in the assessment thereof." *Assessments not completed within the time limited shall be collected in one sum.*

"Sixth.—If any inspector or surveyor shall wilfully make any false and vexatious surcharge of any of the duties contained in any of the said acts, or shall wilfully deliver, or cause to be delivered, to the respective commissioners for executing the said acts or any of them, any false and vexatious certificate of surcharge of any of the said duties, every such inspector or surveyor shall be liable to forfeit to the party aggrieved any sum not exceeding 100*l.*, or treble the value of the sum claimed by such surcharge, over and above the rate of duty charged by the said acts respectively, to be recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster for offences committed in England, and in the Court of Great Sessions for offences committed in Wales, with full costs of suit; and it shall be lawful for the party aggrieved to sue either for the said penalty of 100*l.*, or for the said treble value under this act, at his or her election; and it shall also be lawful for the judge before whom such inspector or surveyor shall have been convicted of such offence in any such suit, either for the said penalty or treble value, or any part thereof, by indorsement on the *postea*, or for the court before whom such inspector or surveyor shall be convicted, by entry on the record, to certify his or their satisfaction with such conviction; and in every such case the said certificate shall be an authority to the commissioners for the affairs of taxes, and they are hereby required, to cause to be paid by the receiver-general of the county, riding, or division wherein such conviction was had, out of any monies of the said duties respectively in his hands, such reasonable expenses as the plaintiff shall have incurred, over and above the costs of suit as aforesaid, the amount thereof being certified by the proper officer for taxing costs of the court in which such suit shall be commenced, to have been necessarily expended, and allowed by such officer as between attorney and client; and every such inspector and surveyor shall, after such conviction, be discharged from his employment." *Penalty on vexatious surcharge 100*l.*, &c.*

By the 50 Geo. III. c. 105, s. 1, after reciting, that "whereas it is expedient that certain of the powers and provisions contained in any act or acts relating to the duties of assessed taxes, or to the duties arising from the profits of property, professions, trades, and offices, should be amended, in the particulars hereinafter mentioned," it is enacted, "That from and after the passing of this act, the several surveyors and inspectors appointed or to be appointed by his majesty in pursuance of the said acts, to carry into execution the powers therein given to them, in that part of Great Britain called England, shall, in making any increase of duty either on the returns of parties or the estimates of assessors or the assessments made by commissioners under the said acts, observe the following rules and directions for their government, and shall be subject to the several" *50 Geo. III. c. 105. As to surcharge.*

2. The Acts regulating the Assessments and Collections, &c.

50 Geo. III. c. 105.

Surveyors, &c. to examine returns and assessments, and amend them, &c.

After allowance of assessments surveyor to certify omissions to commissioners, by way of surcharge.

On delivery of certificate, and oath made that notice was given, commissioners to allow certificates.

Lists to be delivered to survey-

provisions therein contained; which rules and directions shall be of the like force and effect as if the same were herein inserted under a special enactment."

" Rules and Directions for making Objections and Charges, and for limiting the Times of making the same in certain Cases, in that Part of Great Britain called England."

" First.—Every surveyor and inspector appointed, or to be appointed, in pursuance of the said acts, or any of them, shall be, and they are hereby empowered and strictly enjoined and required to inspect and examine all and every the returns of lists, statements, declarations, accounts, or estimates, made by any person or persons chargeable to the said duties, or any of them, or by any assessors of any of the said duties, according to the directions of any act or acts before mentioned, and also all and every the first assessments of the said duties, or any of them, made for any parish, ward, or place, for any year, as well before as after the respective commissioners acting in the execution of the said acts respectively shall have signed and allowed the first assessments made for such parish, ward, or place, for that year; and if he or they shall discover any error or wrong amount or computation of duty therein, or that any person who ought to be charged with the said duties, or any of them, shall have duly made a return as required by the said acts respectively, but shall have been omitted to be charged with the said duties, or any of them, or shall be under-rated in the said first assessment, and that the said return doth contain matters sufficient, whereby the said surveyor or inspector may rate such person, in the said first assessment, to the full duties chargeable upon him or her, according to, or by or from such return, it shall be lawful for the said surveyor or inspector, and they respectively are hereby required, before such allowance, to correct and amend such assessments, and to charge such person to the full amount and at the full rate of duty at which he or she ought to be charged, according to his or her return so delivered.

" Second.—If any such surveyor or inspector shall, after any such assessment or assessments in respect of the duties of assessed taxes shall be signed and allowed by the said commissioners, or if any such surveyor or inspector shall, after any such assessment or assessments, in respect of the duties arising from the profits of property, professions, trades, or offices, shall be signed or allowed by the commissioners acting for the general purposes of the acts relating to the said duties, find or discover, upon his survey or examination, or otherwise, that any person liable to the said duties, or any of them, in respect of which such lists, statements, accounts, or estimates, as aforesaid, ought to have been delivered, hath not made any return as by the said act or acts is required, or hath omitted any person, or any property, or profits, or the amount or value thereof, or any article, matter, or thing, or any description of the same which ought to have been returned, or hath not returned the full amount of value of any property, or profits, as required by any of the said acts, so that he or she shall not, on account of such default or omission, have been charged to the amount which ought to be paid by him or her, or that any exemption, allowance, or deduction, which is not allowed by the respective acts relating to the said duties, shall have been claimed in or by such return, then, and in every such case, it shall be lawful for the said surveyor or inspector to certify the same in writing, together with an account of every such default, omission, or claim, with the name or description of the person or thing not returned or omitted, to the best of his knowledge and belief, and the full amount of the single duty by which the assessment ought to be increased, explicitly stating the particulars in respect of which such charge has been made, and to deliver the same to any two or more of the said commissioners for putting in execution the said acts respectively, or to their clerk, in order to have such default, omission, or claim, and the under-rate occasioned thereby, rectified; and such commissioners are, upon the delivery of any such certificate, and upon oath being first made either by the inspector or surveyor, or any other credible witness or witnesses who shall have served the same, that a notice to the effect hereinafter mentioned was duly served, required to sign and allow the said certificates, and to cause supplementary assessments to be made according to such certificates, subject to appeal as hereinafter is allowed."

" Third.—Every person in whose custody any such lists, statements, accounts, or estimates, shall be, shall and is hereby required, upon the request of

2. The Acts regulating the Assessments and Collections, &c.

50 Geo. III. c. 105.

Surveyor may certify same, and party shall be charged at single duty.

If dissatisfied may state objection.

Notice of objection.

Declaration to contain satisfactory excuse of party, and to be attested by credible witnesses.

How, on charges for omission in return, double duty may be avoided.

to be delivered, be charged to the said duties respectively the full sum at which he or she ought to be charged by virtue of the said act or acts ; provided, that to every such list, statement, account, or estimate, there shall be annexed a declaration in writing in the form and to the effect hereinafter mentioned ; and if the said surveyor or inspector shall be satisfied with such list, statement, account, or estimate, and the declaration annexed thereto, then he shall certify such return and declaration annexed thereto to two or more of the said commissioners, with the amount of the duty to be charged, who shall thereupon cause the assessment to be made according to such certificate, and the same rate of single duty, as set forth in the said several acts respectively, to be charged on the person making such return without further trouble or delay ; but if, upon examination of such list or return, and declaration annexed thereto, the said surveyor or inspector shall see just cause to object thereto, he shall thereupon certify such return and declaration annexed thereto, together with the cause of his objection, to two or more of the said commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate in double the amount of the duty at which he or she shall be charged, and from which charge no abatement shall be made on any pretence, unless on appeal as hereinafter is directed ; of which objection notice shall be given by the surveyor or inspector to the person to be charged thereby, together with the cause of his objection to the said return and declaration to be annexed thereto ; and the said commissioners shall determine the said objections on the merits, without further notice of appeal from the party so charged."

"Ninth.—Every such declaration, in cases where no return hath been previously made by the person so charged for the same year, shall allege and declare in substance, or to the effect as follows ; (that is to say) that he or she, the said exhibitant, was not at his or her dwelling-house, or other place of abode, at the time appointed for the fixing or delivery of general or other notices for making a return as required by the said act or acts, nor between that day and the time limited for making such return to the assessor, and that he or she hath not received or had any knowledge of any such notice ; or, that he or she was disabled by sickness from making such return ; or, that the non-delivery of such return was occasioned by the following mistake or accident, without any intention to defraud the revenue, *videlicet* [*here set forth the cause of such default*] ; and that the return to which the declaration of the said exhibitant is annexed is a full, perfect, and complete return of all matters and things required of the said exhibitant by the said act or acts, or by this act, to the best of his or her judgment and belief ;—which declaration and return shall severally and respectively be signed by the party making the same, in the proper name and hand-writing or sign of the said party, attested by any one or more credible witness or witnesses, who shall have seen the said party subscribe or sign the same, and shall attest the signature thereof in the proper names and hand-writing of the said witness or witnesses respectively ; provided every such witness shall be an inhabitant of the same ward, parish, or place where the said party shall reside, and who shall be rated in the assessment of the same duties for the same ward, parish, or place aforesaid, or if in any place there shall be no inhabitant competent to be such witness, then the said declaration shall be attested by some credible witness rated as aforesaid, and residing in the next adjoining parish where the said party shall reside."

"Tenth.—It shall be lawful for any person to whom such notice of charge shall be served, on occasion of his or her having omitted in the return before made for the same year, any person, property, profits, description, statement, account, or estimate, or any article, matter, or thing which ought to have been contained in such former return, or which shall be mentioned in such notice of charge not to be contained in such former return, or of having claimed any exemption, allowance, or deduction, not allowed by the said act or acts respectively, or of having returned the amount or value of any property or profits at less than the sum which ought to be returned according to the said acts respectively, if he or she shall consent or agree to such charge, to give notice in writing of his or her consent accordingly to the said surveyor or inspector ; and the said surveyor or inspector shall certify such consent, and the amount of the single duty which ought to be charged, to the said commissioners, according to which certificate the party charged, and consenting thereunto, shall be assessed in the single duty, and such consent shall be deemed equivalent to an amended return and declaration, as required by this act ; or such person so charged, if he or she shall not

2. The Acts regulating the Assessments and Collections, &c.

50 Geo. III. c. 105.
Appeal.

Production of
lists, &c.

Charges con-
firmed in default
of production.

Assessments
made in double
duty, &c.

In what case
double duty
remitted.

Double duty re-
mitted where
default has been
corrected by re-
turn.

Molety of double
duty remitted
where default not
fraudulent.

any penalty or penalties imposed by any former act or acts, against such surveyor or inspector for any such offence or offences as aforesaid, or for any false and vexatious charge of any of the said duties; but all such penalties, and the powers for recovery thereof, shall be and remain in force, notwithstanding the powers of this act, or any act or thing done in pursuance thereof."

" Fourteenth.—Where any person or persons, thinking himself, herself, or themselves respectively overcharged or over-rated by any charge or certificate of objection by any surveyor or inspector as aforesaid, or by any assessment to be made by virtue or in pursuance of such charge or certificate, shall have appealed therefrom to the said commissioners, according to the directions of the said acts respectively, the appellant shall, upon the hearing such appeal, in all cases where a list, statement, account, or estimate in writing, shall or ought to have been delivered by the said appellant to the assessor, produce, or cause to be produced, before the said commissioners, a true, perfect, and complete list, statement, account, or estimate, as the case may require, to the best of the judgment and belief of the said appellant, with a declaration in writing thereunto annexed, to the effect hereinafter mentioned; (that is to say,) the said appellant shall declare that the list, statement, account, or estimate, to which the said declaration is annexed, doth contain all matters and things required of the said appellant to be returned by him or her, for which he or she is chargeable by virtue of any act or acts, to the best of his or her judgment and belief; which return and declaration shall severally and respectively be signed by the said appellant in the proper name and hand-writing of the said appellant; and in default of the production of such list, statement, account, or estimate, by or on behalf of the said appellant, with such declaration annexed, the said commissioners shall confirm the charge or objection against which such appeal was made."

" Fifteenth.—Upon every charge allowed or confirmed by the respective commissioners, in the whole or in part, upon which any increase of duty shall be made, the assessments thereupon shall be made in double the amount of duty which shall have been charged in the supplementary assessments on occasion of such charge, unless where the same is otherwise provided for by this act."

" Sixteenth.—Where an amended return, with a declaration annexed thereto, shall not be delivered to the surveyor or inspector, and where no list, statement, account, or estimate with such declaration annexed as aforesaid shall be produced to the said commissioners on the hearing of such appeal, it shall not be lawful for the said respective commissioners to make any abatement, defalcation, or remission of the said double duty or any part thereof, but the same shall stand good and remain part of the annual assessment; unless the party charged shall have given notice of his or her consent to the charge of the said surveyor or inspector, or unless the said respective commissioners shall be of opinion that the said surveyor or inspector was or were enabled to correct or amend the first assessments of the said duties for that year, according to the directions of this act, by means of or by reference to the original return of the party so charged, in which cases it shall be lawful for the said commissioners who shall have confirmed such charge at the same time to remit and strike off the whole of the said double duty."

" Seventeenth.—Upon every charge confirmed upon appeal, if the said commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, or deduction, hath been duly accounted for, and that the cause or causes have been truly stated in any amended return and annexed declaration, and that the appellant had a just or reasonable cause of controverting the said charge, and that the said default, neglect, omission, or claim of exemption, allowance, or deduction, was not wilfully made and with intention to defraud the revenue, it shall be lawful for the said commissioners who shall have determined the said appeal, although they shall have confirmed the charge in part or in the whole, at the same time to remit and strike off the whole of the double duty."

" Eighteenth.—Upon every charge confirmed upon appeal, although no amended return shall have been delivered to the surveyor or inspector as allowed by this act, if the said commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, or deduction, was not wilfully made, and with

surveyor or inspector from afterwards making a further charge on the same person or persons for the same property or profits for the same year of assessment; and, in like manner, the determination of the commissioners upon every such objection to the estimates or value delivered by the assessors of the property in any parish, ward, or place in which assessments after appeal shall be made, shall exclude the surveyor or inspector from afterwards making a further charge on the same property in the same parish, ward, or place in that year."

"Twenty-second.—The objection of any surveyor or inspector to the estimate or estimates of any person or persons, or of the assessor or assessors of any parish, ward, or place, or to any assessment or assessments of additional commissioners in pursuance of the said last-mentioned acts, in relation to the duties arising from the profits of property, professions, trades, and offices, shall not be construed to preclude any surveyor or inspector from afterwards charging the same person or persons for any other property, or the profits of any other profession, trade, or office not included in the estimate or estimates, assessment or assessments before objected to, and determined as aforesaid; nor to exclude any surveyor or inspector from afterwards objecting to any other estimate or estimates, or assessment or assessments, or from afterwards charging any other person or persons in the same parish, ward, or place, or in any other parish, ward, or place in the same or any other division, in respect of any property or the profits of any profession, trade, or office, not before objected to and determined as aforesaid; and the respective commissioners acting for the general purposes of the said last-mentioned acts are hereby strictly enjoined and required to sign and allow such last-mentioned objections and charges according to the directions of the said acts, in respect of the powers therein given to such surveyor and inspector; provided, that all such objections and charges be made within the times herein respectively limited."

"Twenty-third.—From and after the passing of this act, every objection to the estimates directed to be made by the said last-mentioned acts, in relation to the

Except in certain cases.

Objection to be made before assessment.

2. The Acts regulating the Assessments and Collections, &c.

50 Geo. III. c. 105.

Charges to be made in a limited time.

Within what time omissions to charge may be supplied.

Double charge in case of fraud.

Provisions relating to charges in single duty, and to surcharges in double duty, to be applicable to the provisions of 43 Geo. III. c. 161, and 46 Geo. III. c. 66, &c.

duties arising from the profits of property, professions, trades, or offices, shall be made before the first assessments on such estimates shall have been signed and allowed by the commissioners for the general purposes of the said acts, and not afterwards."

"Twenty-fourth.—No charge upon any assessment under the said last-mentioned acts, in relation to the duties arising from the profits of property, professions, trades, or offices, shall be allowed or signed, unless the certificate thereof shall be delivered to the respective commissioners before the expiration of three calendar months after the 5th day of January in the year of such assessment, in case such assessment shall have been made on or before the said 5th day of January, or, if such assessment shall not then have been made, unless the certificate of charge thereon shall be delivered to the said commissioners within three calendar months after such assessment shall have been made, except in the cases hereinafter mentioned."

"Twenty-fifth.—If any person or persons shall have neglected to make a return of property or profits as required by the said last-mentioned acts, and no estimate of the said property or profits, nor any assessment, shall be made thereupon for any year, it shall be lawful for the surveyor or inspector, on discovery thereof, at any time within twelve calendar months after the expiration of the year when such return ought to have been made, to charge such person or persons to the amount which ought to have been returned, in like manner as such persons might have been charged within the year of assessment; and the like proceedings shall be thereupon had as if such discovery and charge had been made within the year of assessment; and every assessment thereupon made shall be added to the current assessments of the parish, ward, or place, in the manner herein directed."

"Twenty-sixth.—If any person or persons shall by any falsehood, wilful neglect, fraud, covin, or contrivance whatever, escape from taxation for the profits of any distinct property, profession, trade, or office for any year, it shall be lawful for the surveyor or inspector, within the like period of twelve calendar months as aforesaid, to charge such person or persons to double the amount of duty which ought to have been charged in the year of assessment upon such distinct property, profession, trade, or office; and upon proof of such falsehood, wilful neglect, fraud, covin, or contrivance, to the satisfaction of the commissioners to whom such charge shall be certified, the assessment on the said double duty shall stand good, and be added to the supplementary assessments of the current year of the parish, ward, or place; and no part thereof shall be remitted on any pretence whatever."

Sect. 2. "That the several provisions in the preceding clause of this act, relating to charges in the single duty as aforesaid, shall be construed, so far as the same respect the duties of assessed taxes in that part of Great Britain as aforesaid, as applicable to the provisions of an act passed in the forty-third year of the reign of his present majesty, intituled 'An Act for repealing the several Duties under the Management of the Commissioners for the Affairs of Taxes, and granting New Duties in lieu thereof; for granting New Duties in certain Cases therein mentioned; for repealing the Duties of Excise on Licences, and on Carriages constructed by Coachmakers, and granting New Duties thereon, under the Management of the said Commissioners for the Affairs of Taxes; and also New Duties on Persons selling Carriages by Auction or Commission;' and any other act or acts for regulating the said duties respectively, and relating to surcharges in the double duty, and as far as the said provisions respect the duties arising from the profits of property, professions, trades, and offices in that part of Great Britain as aforesaid, the same shall be construed as applicable to the provisions of an act passed in the forty-sixth year of the reign of his present majesty, intituled 'An Act for granting to his Majesty during the present War, and until the Sixth Day of April next after the Ratification of a Definitive Treaty of Peace, further additional Rates and Duties in Great Britain on the Rates and Duties on Profits arising from Property, Professions, Trades, and Offices; and for repealing an Act passed in the Forty-Fifth Year of his present Majesty, for repealing certain Parts of an Act made in the Forty-Third Year of his present Majesty, for granting a Contribution on the Profits

2. The Acts regulating the Assessments and Collections, &c.

50 Geo. III. c. 105.

In what cases double duty struck off.

Time allowed for delivering in amended return.

Sect. 7. "That in all cases of charge by any surveyor or inspector ~~and~~ aforesaid, of any of the duties on servants, carriages, horses, mules, ~~and~~ dogs, and for using hair-powder or armorial ensigns, where it shall be ~~proved~~ proved, on appeal, to the satisfaction of the said commissioners acting ~~for~~ the division, that there was any doubt whether the article or articles ~~so~~ charged was or were rateable within the meaning of the said acts, or ~~any~~ of them, and that the omission thereof or alleged default was not wilfully made, and with intention to defraud the revenue, it shall and may be lawful for such commissioners to remit or strike off the whole of the double duty chargeable on the person or persons so charged."

Sect. 8. "That every person to be charged in pursuance of this ~~act~~ by the certificates of any surveyor or inspector, shall have the full period of ten days after service of the notice of such charge, to deliver his or her amended return to such surveyor or inspector, according to the directions of this act, and no certificate of such charge shall be signed or allowed by the said commissioners, nor any appeal shall be heard from ~~such~~ charge, before the expiration of such period of ten days; and if the ~~person~~ person so charged shall, before the expiration of the said period, deliver a return and declaration as aforesaid, which the said surveyor or inspector shall object to, then such return and declaration shall be deemed to be a sufficient notice of appeal from such charge to the commissioners of ~~the~~ division, who are hereby required to hear and determine the ~~matter~~ thereof, according to the directions of this act; and if the ~~person~~ person charged shall not, before the expiration of the said period of ten ~~days~~ deliver a return or declaration as aforesaid, it shall be lawful for the commissioners, upon the appearance before the said commissioners of ~~the~~ person charged, or some person on his or her behalf, and the delivery of them of such list and declaration as is hereinbefore required on the ~~part~~ or days appointed for hearing appeals from the charges of such surveyor or inspector, to hear and determine the matter of such charge, according to the directions of this act, notwithstanding the person so charged ~~shall~~ not have given any previous notice of his or her intention to appeal; provided, that in default of the appearance of the party charged before the said commissioners, or some person on his or her behalf, on such day or days of appeal, or in default of the production of such list or declaration as aforesaid, the certificate of such charge shall be confirmed by the said commissioners."

Making false declaration, misdemeanor.

Sect. 9. "That if any person, in any such declaration as aforesaid, shall wilfully and fraudulently declare any matter or thing which shall be false or untrue, every person so offending, and being thereof lawfully convicted, shall be judged guilty of a misdemeanor, and shall be committed to the gaol of the county, riding, or shire, where such offence shall be tried, for any space of time not exceeding six calendar months, and shall be fined in such sum, not exceeding treble the amount of duty for which such person shall have been charged, as the court before whom such trial shall be had shall think fit to order."

Indictment for false declaration, how laid, &c.

Sect. 10. "That any indictment for such misdemeanor, in making a false declaration as aforesaid, whether such declaration shall be made within Great Britain or without, shall be laid, tried, and determined in the county, riding, or shire, where such declaration shall be exhibited to the respective commissioners of the duties to which such declaration shall relate."

Arrears of duties may be collected.

Sect. 11. "'And whereas, by an act passed in the forty-eighth year of the reign of his present majesty, intituled 'An Act to amend the Acts relating to the Duties of Assessed Taxes, and of the Tax upon the Profits of Property, Professions, Trades, and Offices, and to regulate the Assessment and Collection of the same,' certain rules and directions are contained for paying to the receiver-general, and accounting for the duties received by the collectors in that part of Great Britain as aforesaid: and whereas it is expedient that the same shall be altered and amended in certain particulars;' be it further enacted, That whenever

2. The Acts regulating the Assessments and Collections, &c.

48 Geo. III. c. 141.

Schedule to remain with commissioners for a certain time, during which collectors shall give notice to defaulters.

In default of such schedule, receiver-general may certify the default to the Exchequer.

as sufficient evidence of a debt due to his majesty, and shall be authority to the barons of the said court, or any one of them, to cause to be issued against such defaulter named in the said schedules, whole sum in arrear and unpaid by such defaulter; and the sheriff or other officer to whom the said process shall be directed, shall, without delay, levy the whole sum in arrear to be levied by due course of law as a debt due to his majesty on record, with all costs and expenses attending the same, and the monies so levied, after deducting the said costs and expenses, shall be paid to the receiver-general or his deputy, and shall make return of the said process to the said court, according to the due course thereof: provided, that every such schedule shall remain with the commissioners of the division for the space of forty days before the certificate thereof shall be transmitted to such court, which period of forty days every such collector shall give due notice of to the several defaulters named therein, in such manner as the respective commissioners shall direct, on pain that every collector who neglects to do so shall forfeit the like penalty as is imposed on collectors by the said acts, or any of them, in other cases of neglect of duty; and it shall be lawful for every such defaulter within the like period to pay his or her arrears to the said collector or collectors, whose receipt shall be a sufficient authority to the said commissioners to discharge the arrears so paid from the said schedule; and it shall also be lawful for the said commissioners, if they shall think fit, to issue fresh warrants to collect the said arrears, or any of them, within the period of forty days, and during that period to use all or any of the methods prescribed by the several acts relating to the said arrears, for the recovery of the said arrears, or direct the said arrears to be levied by the respective collectors under their former warrant, as shall be most convenient; and all warrants to be issued for that purpose may be directed either to the said collectors, or to the high constable, constables, or other peace officers within the limits of their division, or any one or more of them, or to any other persons whom the said commissioners shall think proper, with authority to levy by distress and sale, in the manner directed by the said acts, the sums in arrear, together with all costs and expenses attending the same, and the execution thereof; and the sums so levied, after deducting the said costs and expenses, shall be paid to the receiver-general or his deputy, at such time and place as the said receiver-general shall appoint, and shall be taken from the said schedule; and all high constables, constables, and other peace officers, within the said division, shall act in obedience to the directions of the said commissioners, and shall execute all such orders and process as shall be directed, for the recovery of the said arrears; and also, that when the commissioners of the division shall certify to the Court of Exchequer for the affairs of taxes any reasonable cause for non-payment, and that they have good reason to believe the same will be paid within a reasonable time, to be stated in such certificate, it shall be lawful for the said commissioners of the division to retain the said schedule in their hands for so long a time as shall be necessary, and as shall be mentioned in their aforesaid certificate.

“Third.—In default of such schedule being delivered within the period of three days as aforesaid, either to the receiver-general or his deputy, or to the said commissioners, it shall be lawful for the receiver-general, to certify the default to the Court of Exchequer, and the amount of the duties remaining in arrear to the best of his knowledge and belief, and the particular ward, parish, or place, and the division where such failure hath happened, together with the names of the collectors of the said parish, ward, or place; and such certificate, when signed in the hand of such receiver-general or his deputy, shall be a sufficient authority to the barons of the said court, or any one of them, to cause process by writ of *distringas* to be issued out of such court against the said collector or collectors, upon which writ of *distringas* the sheriff or other officer to whom the said process shall be directed, shall return such issues from time to time as the said court or baron shall order, until a return of such schedule and arrears shall be made to the said court, and immediate process shall thereupon issue to levy the said arrears out of and under the seal of such court, which levy shall be remitted unless all the said duties in arrear shall be paid or satisfied within the time of return of such process.”

such person or persons, not exceeding ten in number at any one time, as his majesty, his heirs and successors, or the said commissioners of the treasury, or the high treasurer for the time being, shall think fit to be inspectors-general for the special purposes of this act, after specified and declared; and to allow to such inspectors-general such reasonable salaries, charges, and expenses, as may be necessary for their pains in executing this act in the several particulars herein-mentioned; and no person to be appointed inspector-general under this act shall be entitled to amend any assessment made under the said act, nor to surcharge any person or persons in respect thereof; nor shall any person have, or receive, or claim any advantage or emolument by assessment or surcharge to be made under any of the said acts, nor any other emolument than the salary and allowance authorized by his majesty, the commissioners of the treasury, or the high treasurer as afore-

them salaries, &c.

"The Powers to be vested in the Inspectors-General."

Their powers.

It shall be lawful for such inspectors-general to visit from time to time any such inspector and surveyor acting in the execution of the several acts and surveys.

2. The Acts regulating the Assessments and Collections, &c.

48 Geo. III. c. 141.

To administer an oath to inspectors and surveyors.

To report to commissioners of division.

In certain instances a case may be transmitted to commissioners for taxes.

relating as well to the duties of assessed taxes as the said duties on property, professions, trades, and offices, within the limits of the circuit for which such inspector-general shall be appointed, and to examine all or any of the books and assessments and duplicates, or certificates of assessment or surcharge, in the hands or power of such inspector or surveyor; and also to inquire into the conduct of every such inspector and surveyor in the execution of their respective offices, and into their fitness and capacity to execute the same, and to report from time to time on the several matters aforesaid to the commissioners for the affairs of taxes; and every such inspector and surveyor shall attend such inspector-general at such time and at such place, within the district of such inspector and surveyor, as the said inspector-general shall appoint, and shall have given three days notice of, to such inspector or surveyor."

"Second.—It shall be lawful for every such inspector-general to administer an oath to any such inspector or surveyor, whenever he shall see occasion to examine him or them in any matter touching the execution of the said acts, and that he shall true answer make to all such questions as shall be demanded of him; and the substance of such answer or answers as such inspector or surveyor shall give, shall in his presence be reduced into writing, and read to him with liberty to alter or amend the same in any particular; and he shall sign his name to the same in his own name, and in his usual manner of writing or signing the same."

"Third.—It shall be lawful for every such inspector-general as aforesaid, whenever he shall see occasion, to report to the commissioners of the division any matter or thing touching the execution of the said acts or this act in relation to any assessment or assessments in such division, or touching the conduct of any clerk to such commissioners, or of any assessor or collector appointed under the said acts or this act, together with the opinion of such inspector-general thereon; and every such inspector-general shall transmit a duplicate of such mentioned reports to the commissioners for the affairs of taxes; and whenever any inspector-general shall have reported to the commissioners of any division any such matter or thing which, in the opinion of such inspector-general, shall require the particular consideration of the commissioners of such division, it shall be lawful for them to hold a meeting for that purpose, and they are hereby required to hold such meeting within a reasonable time after such report, at which meeting such inspector-general may attend for the purpose of explaining the matter or matters contained in the said report, and of suggesting for the consideration the propriety of adopting such order or orders as may be agreed upon by the major part of the commissioners of such division who shall be present at such meeting."

"Fourth.—If any inspector-general as aforesaid, or any commissioner for the division, who shall have been present at any meeting of commissioners at which the report of such inspector-general shall have been taken into consideration as aforesaid, shall apprehend the determination made by the commissioners at such meeting on the said report, or any of the matters therein contained, to be contrary to the true intent and meaning of the said acts relating to the said duties respectively, or any of the said acts, it shall be lawful to and for such inspector-general, and to and for any one or more of the commissioners for the division present at the time of such determination respectively, to require a case to be prepared, and signed by the said commissioners for the division; in which case the said commissioners shall state specially the part or parts of the report of the said inspector-general, and the facts on which the question arose, together with their determination thereupon, and any other circumstances influencing the said commissioners in such their determination; and which case the said commissioners, or the major part of them then present, are hereby required to state and sign accordingly, and to cause the same to be transmitted to the commissioners for the affairs of taxes, who shall forthwith submit the same to the judges of the courts of record at Westminster; and such judges, or any two or more of them, are hereby required, with all convenient speed, to return an answer to such case so transmitted, with their opinion thereon subscribed thereto, and what ought to be done under all circumstances to be done therein, according to which opinion and directions, so certified, the determination of the commissioners which shall have been so objected to, and which shall be stated in such case, shall be confirmed, reversed, altered, or amended, as the case may require, and if any assessments shall be depending on such determination of the said commissioners, the same shall be altered or confirmed according to the said opinion."

3. *Of the Assessed Taxes themselves.*

43 Geo. III. c. 161.

Ten schedules, each relating to different subjects of taxation.

the prior recited acts, and thereafter repealed, there shall be assessed, raised, levied, collected, and paid certain duties specified in the schedule to that act; and then refers to those *ten* schedules of different descriptions of taxes, by letters A, B, C, D, E, F, G, H, I, and K, viz.—A. of duties payable for every *dwelling-house* within and throughout Great Britain, according to the number of *windows* or lights in each. B. of duties made payable on all *inhabited dwelling-houses*, according to the value thereof. C. duties payable annually for every male *servant* retained or employed in certain named capacities. D. of duties payable on *carriages* therein mentioned. E. of duties payable for *horses*, mares, and geldings used therein mentioned. F. of duties payable for *other horses*, not charged with duty in last schedule, and on *mules*. G. of duties payable on *dogs*. H. duties payable by *horse-dealers*. I. of duties payable by persons wearing *hair-powder*. K. of duties payable for using *armorial bearings*.

The statutes 48 Geo. III. c. 55, and 52 Geo. III. c. 93, and schedule of duties payable for selling *game*.

The act 43 Geo. III. c. 161, and the schedules thereof, contains regulations for charging the duties, together with certain modifications, reductions, and exemptions; and also provides that the duties granted by that act shall be levied pursuant to the regulations of the 43 Geo. III. c. 161 (*ante*, p. 5 to 48), and in Scotland under the regulations in 43 Geo. III. c. 150; and enacts that the commissioners, inspectors, surveyors, assessors, and collectors, acting under the said acts (43 Geo. III. c. 99, c. 150), shall execute all matters and things in relation to the duties granted by that act.

By several subsequent acts, hereafter noticed, new provisions were introduced, and the amount of duties increased, diminished, or repealed, according to the exigencies of the public have required. But still as this principal act, 43 Geo. III. c. 161, is the main regulating act, it is deemed expedient first to state its provisions, then the subsequent regulations, and, lastly, the several schedules of duties.

Division of subject.

We will, therefore, consider the third branch of the subject under three heads, viz. *First*, the *Regulations* of the 43 Geo. III. c. 161, and subsequent acts; and, *secondly*, the several *Duties*, with the particular regulations and exemptions affecting them.

First.—THE REGULATIONS OF 43 GEO. III. c. 161, AND SUBSEQUENT ACTS.

The regulations of the 43 Geo. III. c. 161, and subsequent acts.

It will be perceived, on referring to the provisions of this act, and subsequent acts, that they may be properly subdivided and arranged under the following heads, viz. :—

1. *The Commissioners, Inspectors, Surveyors, Assessors, and Collectors*, 43 Geo. III. c. 161, s. 6, 8.
2. *The Assessments and returning Lists of Persons liable*, ss. 25, 26, 28, 31, 32, 33, 34 to 38, 43, 44, 49, 50, 52.
3. *Of Amending Assessments, and of Surcharges, and of Appeals and Certiorari for Opinions of Judges*, ss. 62 to 76; 45 Geo. III. c. 71, s. 3; 46 Geo. IV. c. 11, s. 7.
4. *Provisions for facilitating the Recovery of Duties*, 43 Geo. III. c. 161, ss. 23, 51, 53 to 56, 58, 59.
5. *General Regulations relating to the Execution of the Act* 43 Geo. III. c. 161, ss. 9, 16, 78, 79, 81, 86, 80.

But it will be better to print all the sections of this principal act, 43 Geo. III. c. 161, continuously, and then to state the subsequent enactments.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

kept and used by any person or persons for any of the purposes mentioned in the schedule to this act annexed, marked (E.); and other horses, mares, or geldings, not charged with any duty by the fore-mentioned schedule (E.), and upon mules as described in the schedule to this act annexed, marked (F.); and upon all dogs of any descriptions mentioned in the schedule to this act annexed, marked (G.); and upon all horse-dealers residing within the respective limits defined in the schedule to this act annexed, marked (H.); and upon all persons in respect of hair powder, or any armorial bearings or ensigns as respectively set forth in the schedules to this act annexed, marked (I.) and the several duties respectively inserted, described, and set forth in the said several schedules marked (A.), (B.), (C.), (D.), (E.), (F.), (G.), (H.), (I.), and (K.) hereunto annexed, which several schedules, and the exemptions therein contained, shall be deemed and construed as part of this act, as if the same were incorporated therewith under the same enactment.

Excise duties under 25 Geo. III. c. 49, on licences to coachmakers, and on carriages built for sale, repealed, except as to arrears (a).

Sect. 2. "And whereas, by an act passed in the twenty-fifth year of the reign of his present majesty, intituled 'An Act for granting His Majesty certain Duties upon Licences to be taken out by Coachmakers, and also certain Duties upon Carriages to be built for Sale,' certain duties were granted in Great Britain on licences taken out by such coachmakers, and also on carriages with four and two wheels respectively, which should be built or constructed for sale: and whereas it is enacted that the said duties should be repealed, and other duties should be granted in lieu thereof on coachmakers, and on carriages constructed by them for sale, to be placed under the management of the commissioners for the affairs of taxes, and also the like duties on persons vending the same by way of auction, or on commission, for or in the expectation of profit, further enacted, "That all duties granted by the said last-recited act from and after the respective days before mentioned in the respective schedules of Great Britain,* cease and determine, save and except in so far as relating to the recovering or paying any arrears of the said duties granted by the said act, which on that day shall remain unpaid, and the clauses and provisions for receiving and recovering the same."

* See s. 1.

All excise licences shall cease from the days fixed for the repeal of the said duties (see sect. 1), and commissioners shall return a portion of the duties for the time then unexpired (see sect. 3).

Duties in schedules (D.) 5 and 6, imposed on coachmakers, &c.

Sect. 4. "That, from and after the respective days before mentioned in the said schedules, in England and Scotland respectively, there shall be raised, levied, collected, and paid to his majesty, his heirs, and successors, the several duties hereby granted on coachmakers, and on carriages built and constructed by them for sale, in lieu and instead of the duties hereby repealed, and also the duties on persons vending such carriages by auction or commission, for or in expectation of profit, severally contained in schedules (D.) Nos. 5 and 6, which schedules shall be construed a part of this act, and as the said schedules to this act are directed to be considered."

Duties granted by this act shall be levied under the regulations of 43 Geo. III. c. 99 (England), and c. 150 (Scotland).

Sect. 5. "That all the several duties hereby granted in England, and Berwick-upon-Tweed, shall be assessed, raised, levied, and collected, under the regulations of an act passed in the present session of parliament, intituled 'An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same,' and all the several duties hereby granted in Scotland shall be assessed, raised, levied, and collected, under the regulations of any act passed in the present session of parliament, for consolidating and amending the provisions contained in any act or acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the said acts so far as the same relate to Scotland; and every the powers, authorities, methods, rules, directions, penalties,

(a) See note (b) in previous page.

in any parish, ward, or place, in pursuance of the said recited acts, shall be assessed, and collectors of the several duties granted by this act; and commissioners shall cause notice to be given to such persons, respectively are appointed assessors and collectors of the said duties granted; and the several commissioners, inspectors, assessors, and collectors, are hereby empowered to do and execute all matters and things in relation to the duties by this act granted, respectively are empowered to do and execute in relation to the duties mentioned in the said recited acts respectively, and shall be subject and liable to the like penalties for any neglect or failure in the performance of their duty, or any fraud or abuse in execution, as are inflicted on such officers by the said recited acts or the like offences."

assessors, collectors, &c., under 43 Geo. III. c. 99, s. 150, shall execute this act.

That the several persons who, as inspectors or surveyors, are authorized to act in execution of the said recited acts passed in the present session of parliament, shall respectively execute and inspection of the duties by this act made payable in several parts of Great Britain, as aforesaid, and shall take the several dwelling-houses therein, and of the servants, carriages, mules, and dogs, kept by any person or persons whatever, and the several persons liable to the other duties in this act mentioned, and the duties chargeable in respect thereof, and shall inspect and execute all assessments or certificates thereof made and to be made in pursuance of this act, and execute all things belonging to them, according to the powers vested in them by this and the said recited acts respectively; provided that no inspector or surveyor now

Duty of inspectors and surveyors.

No inspector, &c.,

3. *Of the Assessed Taxes themselves.*

43 Geo. III. c. 161.
shall be commis-
sioner.

Every house oc-
cupied at the time
of making the as-
sessment, shall be
brought into
charge under
schedules A. &
'H.' subject to dis-
charge see *post*,
ss. 11, 12.

Penalty on asses-
sors for neglect,
20*l.* to 5*l.*

Houses situate
within more pa-
rishes than one
may be charged
in either parish.

Exemption for
poor persons from
duties on win-
dows, under
schedule (A.).
(See s. 12.)

Manner in which
the claim to
exemption from
duties in sche-
dules (A.) & (B.)
shall be proved,
and the party
discharged.

* See s. 13.

or hereafter to be appointed shall act as a commissioner in any matter or thing touching the execution of this act."

Sect. 10. "That every dwelling house, cottage, or tenement, of what-
ever description, occupied at the time of making the assessment, shall be
brought into charge in respect of the duties set forth in the schedule
marked (A.), by the respective assessors, and, in their default, by the
respective surveyors and inspectors herein mentioned, according to the
number of windows therein, *subject to the powers of discharging the same,
as after mentioned (a)*; and every dwelling house, cottage, or tenement,
and other the premises therewith occupied, and hereby charged, as set
forth in schedule (B.), being, together, of the annual rent of 5*l.* or up-
wards (b), shall also be brought into charge in like manner, according to
the full and just yearly rent at which the same is really and *bond fide*
worth to be let, in respect of the duties set forth in the said schedule
marked (B.); and, if any assessor or assessors shall omit, in the assess-
ment of the said duties set forth in schedule (A.), to charge the occupiers
of any house, cottage, or tenement, to the said duties, according to the
number of windows therein, or shall omit, in the assessment of the said
duties set forth in schedule (B.), to charge the occupier of any house,
cottage, or tenement, which, with the premises therewith occupied and
charged by this act, shall be of the annual value of 5*l.* or upwards, to the
said duties, according to the annual rent at which the same is really and
bond fide worth to be let, whether the occupier of any such house,
cottage, or tenement, shall be entitled to be discharged from the same in
manner hereinafter mentioned or not, every such assessor shall, for each
and every such neglect, forfeit and pay any sum not exceeding 20*l.* nor
less than 5*l.*; and where any such dwelling-house, or premises therewith
occupied, shall be situate within more parishes or places than one, then
such dwelling-house shall be charged to the said several duties as one
entire house, and the premises therewith occupied as belonging to such
house in such of the said parishes or places as the surveyor or inspector
for the said duties, or any part thereof, shall deem most expedient, to be
notified by the certificate of such surveyor or inspector to the commis-
sioners acting for either of such parishes or places."

Sect. 11. "That any person inhabiting a dwelling-house in England,
Wales, or Berwick-upon-Tweed, containing not more than six windows
in the whole, shall be exempted from the duties in schedule (A.), in
case such person shall be on the books of such parish or place as re-
ceiving parochial relief; and any person inhabiting a dwelling-house in
Scotland, containing not more than three windows in the whole, and
under the annual rent of 20*s.*, shall be exempted from the duties in
schedule (A.), in case such person shall be poor and indigent, and shall
not be assessed, or liable to be assessed, to any of the duties contained in
schedules (B.), (C.), (D.), or (E.); which several exemptions shall be proved
or claimed in the manner hereinafter mentioned."

Sect. 12. "And, in order to give relief to such persons, as aforesaid,
who may be charged to the said several duties set forth in the schedules
marked (A.) and (B.), or either of them; be it further enacted, that where
any such house, cottage, or tenement, as is described in the preceding
clause, shall be brought into charge, as aforesaid, and the occupier or
occupiers thereof shall be entitled to the said exemption, by reason of
poverty, as hereinbefore specified, then, and in every such case, the
assessor or assessors shall, on the certificate of assessment, set opposite
the sum charged on the occupier thereof the fact of his or her being poor,
and shall return the same, together with the assessment and a certificate,
as hereinafter is mentioned,* to the commissioners for executing this
act in the district where such assessment shall be made; and the said
commissioners, before the allowance of any such assessment, or making

(a) See *post*, p. 76, in the note.

(b) By 6 Geo. IV. c. 7, s. 1, the duties on inhabited houses under the value of 10*l.* per annum are repealed.

3. *Of the Assessed Taxes themselves.*

43 Geo. III. c. 161.

Such exemption may be allowed upon the present assessments.

Unoccupied houses shall be inserted in assessment.

In-coming occupier shall give notice. Penalty 5*l.* and the full duties (a).

claim made by any such occupier or occupiers, and that he or they are and will be unable to pay the duties charged on him or her ~~that year~~, or if, upon appeal, as aforesaid, it shall appear to the ~~major~~ faction of the said commissioners, or the major part of them present, the oath of such appellant, or by other lawful evidence on oath, produced and shown by such appellant, that he or she is entitled to maintain an appeal, and wholly unable, as aforesaid, to pay the duties charged on him or her, it shall be lawful for the said commissioners to give such relief either by striking off the whole of the duty so charged, or diminishing the same, as to them shall seem meet and necessary; and which appeals for the causes in this clause mentioned, may be heard and determined either on the days mentioned in this act for the hearing of appeals, or other cases, or at the end of the year, or any day or days to be appointed by the respective commissioners for executing this act; which exemptions shall, in the like cases, be construed to extend to and shall be allowed on all assessments on such poor persons of the duties payable at the time of passing this act, which shall have been or shall be made at any time since the commencement of the present year."

Sect. 15. "That every house or tenement which shall happen to be unoccupied at the time of making the assessment shall be inserted in such in the assessment, with the number of windows contained therein, and the annual rent at which the same might be let, if the same amount to 5*l.* or upwards; and the assessors, and, in their default, the surveyors and inspectors, shall cause the same to be certified to the commissioners, from the time of such house or tenement coming into the occupation of any person or persons, and such person or persons shall cause notice thereof to be given to such assessor, surveyor, or inspector, within twenty days after his or their coming into the occupation of the same."

(a) Schedule (B.), on uninhabited houses, was repealed by the 4 Will. IV. c. 19, see *post*, 122. The owner of a house, occupied by him till the 26th of June, is chargeable with the assessed taxes for the remainder of the year, that is, till the succeeding 5th of April, —although he quitted possession on the 26th of June, and ceased to occupy the house afterwards. (*Price's case*, 8 *Price's Rep.* 122.)

Semble, that houses left unoccupied by the owner during part of the year, where the furniture was not taken away, were liable to the duties for the whole year. (*In re Colyton*, 8 *Price*, 117.)

Houses let as lodgings in places of public resort, and which were so occupied by the various families hiring them for the season, (much less than half-a-year at a time,) and were, during the remainder of the year, left wholly unoccupied, were chargeable to the assessed taxes for the entire year. (*Sollett and Glass's case*, 8 *Price*, 123.)

Persons letting houses furnished, as lodging-houses, for a part of the year, not being at any time occupied for more than six months successively, and paying three quarters of a year's assessed taxes, are still liable to be charged for the other quarter; and the commissioners have no power to make any abatement in the assessment; al-

though during the quarter for which the abatement be claimed, the house have not been opened. (*Skinner's case*, 8 *Price*, 124.)

A person keeping a house for the purpose of being let as a ready-furnished lodging-house is chargeable for the whole year's duty, although it be unoccupied and unfurnished for one entire quarter. (*Wright's case*, 8 *Price*, 125.)

The windows of a shop on the ground floor of a dwelling-house, having no internal communication with the house, are chargeable with the duty. (*In re Reinhardt*, 8 *Price*, 106.)

The lower part of a smaller house used as an office, adjoining the dwelling-house of the party, and having an internal communication with the latter, is not exempt from the assessed taxes on windows within the first section of the 57 Geo. III. c. 25, on the ground of its being used as offices, and for no other purpose.

Nor is a room, having no communication with the dwelling-house, if it be part of the house, within the exemption of the statute, as being used only for an office. (*R. v. Dryden*, 8 *Price*, 103.)

The windows of the upper story of a house, of which the lower part or ground floor is occupied by the owner as a dwelling, are chargeable with the duties on houses and windows, al-

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Such persons shall be charged according to such lists for the year commencing from those days.

Lists shall be returned annually in like manner.

Assessment shall be for the year in which returns are made.

Every person beginning to keep a male servant, or carriage, or to carry on the business of a horse-dealer, coach-maker, &c., or to wear hair-powder, or armorial bearings, and every person ceasing to keep such servant, &c., or to carry on such business, &c., shall give notice thereof within twenty days (a).

houses, or one of them, at or before the expiration of the time appointed by this act for the delivery thereof; and every person who shall have retained, employed, kept, or used any servants, or other male persons, carriages, horses, mules, or dogs, shall be charged for the greatest number of servants, carriages, horses, mules, and dogs retained or employed, kept or used by him or her at any one time within the year ending as aforesaid; and every person who shall have used or exercised the trade or business of a horse-dealer, or the trade or business of a coachmaker, or maker of carriages, or of a seller of carriages by auction or on commission, or shall have worn or used hair-powder, or any armorial bearings, within the year ending as aforesaid, shall be assessed and charged by the respective assessors for the year commencing from that day, which assessments shall be made at the rate specified in the said schedules marked C, D, E, F, G, H, I, and K, and according to the lists, which shall or ought to have been returned as aforesaid, subject to such powers of surcharge as by this act are directed and given; and the assessments on the returns so to be made shall be deemed an assessment for the year commencing from the respective days in the year 1804, appointed for the commencement of the said duties."

Sect. 28. "That every person liable to the said duties shall, in every year subsequent to the respective days appointed for the commencement of the said duties, within six weeks thereafter, and he and she is hereby required yearly, whether any previous notice for that purpose shall have been delivered or not, to cause to be prepared and to be delivered to the respective assessors before mentioned for the time being, true and particular lists of the greatest number of such servants or other male persons retained or employed, and of carriages, horses, mules, and dogs kept by such person, or of his or her having used or exercised the trade or business of a horse-dealer, or coachmaker, or maker of carriages as aforesaid, or of a seller of carriages by auction or on commission, as aforesaid; or of having worn or used hair-powder, or any armorial bearings or ensigns, at any one time in the course of the preceding year ending on the then preceding 5th day of April; which lists shall be prepared in the form before prescribed, and according to the directions of this act in respect thereof; and such person shall renew the same in the same manner in every year so long as such person shall be liable to the said duties or any of them, as aforesaid; and every person shall annually be chargeable in respect of the greatest number of servants or other male persons, carriages, horses, mares, or geldings, mules, and dogs, retained, employed, kept, or used by him or her at any one time within such preceding year, and also in respect of his, her, or their having used or exercised the trade or business of a horse-dealer, or coachmaker, or maker of such carriages, or a seller thereof by auction or on commission, as aforesaid, or of having worn or used hair-powder, or armorial bearings or ensigns, within the same period; and the assessment made thereupon shall be deemed an assessment made for the year in which such returns shall or ought to have been made."

Sect. 29. "That every person who, from and after the respective days appointed for the commencement of the said duties, shall begin to retain or employ any such male servant, or other male person herein described, or keep or use any such carriage (such servant or carriage not being in the place or stead of any former one liable to the like duty), or to use or exercise the said trade of a horse-dealer, or coachmaker, or maker of such carriages, or a seller thereof by auction or on commission as aforesaid, or to wear or use hair-powder, or any armorial bearings or ensigns, or who shall cease to retain or employ any male servant, or to keep or use any carriage liable to the duty, without retaining or employing any other male servant, or other male person herein described, or keeping or using

the number of such carriages with less than four wheels, the number of bodies of such carriages which shall successively be used on the same carriage or number of wheels, and also the number of horses by which such carriages with less than four wheels have been drawn at any time within the like period, and also the number of such carriages liable as taxed carts; another of the said lists shall contain the greatest number of horses, mares, or geldings, kept by such person for the purpose of riding, or drawing any carriage chargeable with the duty made payable by this act, at any one time within the like period; another of such lists shall contain the number of all other horses, mares, or geldings, and mules, kept by such person at any one time within the like period, which shall on any day have been used as herein mentioned; another of such lists shall contain the greatest number of dogs kept by such person within the like period, distinguishing therein any greyhound, hound, pointer, setter, spaniel, lurcher, or terrier, from any other dog, where one dog only is kept by such person; another of such lists, if the same be returned by any person who shall have used or exercised the trade or business of a horse-dealer, shall contain the place or places where the same shall have been so used or exercised within the like period, and the greatest number of horses, mares, or geldings, kept by him at any time within the like period, distinguishing whether the same shall have been kept for sale, or been used by him or her, or let out, and the number of each so kept or used, and for what purpose, and the duties hereby made payable shall be duly charged; and another of such lists, if the same shall be returned by any coachmaker or maker of carriages before mentioned, or by any seller of such carriages on or on commission, as herein is mentioned, shall contain the places where such trade or business shall be carried on; and another of such lists, if the same be returned by any person who shall wear hair-powder, or used any armorial bearing or ensign, within the like period, shall distinguish therein the particular duty and duties, and the amount thereof, to which such person is liable, with a declaration whether he or she is a housekeeper or one of the family, or a lodger, apprentice, or servant, abiding in the house of any person; and another of such lists, if the same be returned by any occupier of a dwelling-house or distinct apartments, as aforesaid, shall contain the names and places of abode of every person residing in such dwelling-house, distinguishing whether such person shall be of the family, or be a lodger, or inmate, or apprentice,

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Penalty on neglect and refusal in either party, 50*l*.

Assessors shall leave notices for lodgers &c.

Persons having divers places of residence, &c. shall deliver lists at each.

Penalty on persons declaring to pay duties in any place, and not delivering list there, 50*l*.

Claims of exemption (except with respect to the royal family) to be returned to the assessors, and proved on oath, &c.

Penalty for neglect, omission, or

person so resident, being thereunto required as aforesaid, shall be obliged to make such declaration; and if any such lodger or inmate shall wilfully refuse to give an account as required by this act, or to attest the return to be made thereof, every such person shall forfeit and pay the sum of 50*l*.; or if any occupier as aforesaid, by whom any such declaration ought to be required, or to whom any such declaration shall be made, shall neglect to require the same, or to insert the same in the return to be made to the assessor or assessors, in pursuance of this act, every such person shall also forfeit the sum of 50*l*.

Sect. 33. "That the said assessors shall, upon receipt of any list containing the name of any lodger or inmate returned liable to any of the said duties as chargeable within the parish or place where the said assessors act, give or leave the like notice for every such person to prepare and produce, within the like period, a list or declaration signed as aforesaid; and every such person shall, within twenty-one days after notice left at such dwelling-house, make out a list or declaration, as the case shall require, and sign the same in the manner before directed, under the penalty herein mentioned for neglecting to deliver any such list or declaration." [See s. 37.]

Sect. 34. "That every person who shall have divers places of residence within any part of Great Britain, or shall keep any servants or other male persons herein described, carriages, horses, mules, or dogs, at divers places within Great Britain, and every person being an inmate or lodger at the time of such notices being given as aforesaid, and having an ordinary residence at some other place or places, whereat or at one of which places such person ought to be charged, shall be obliged to deliver all such lists as aforesaid at each and every of such places, and to insert in every such list the name or description of each person, article, matter, and thing, for which such person is liable to any of the said duties, or which ought to be returned according to the directions of this act; and shall also, in every such list, specify the particular persons and number of each description of articles aforesaid respectively intended to be paid for within the limits of the district, parish, or place, where such list shall be delivered, and shall also, at the same time, make his or her declaration, to be inserted in such list, and signed by him or her, specifying the particular counties or county, and parishes or parish, wherein each such other place of his or her residence is situate, and also the particular counties or county, and parishes or parish, wherein the said duties, or any part of the said duties, are or is intended to be paid."

Sect. 35. "That if any person, having delivered his or her declaration to pay the said duties in any other parish, ward, or place, than in the parish, ward, or place, where such list shall be delivered, shall not return a list in such other parish, ward, or place, according to such declaration, in order to his or her being regularly brought into charge by the assessors for such other parish, ward, or place, every such person so offending shall forfeit and pay the sum of 50*l*."

Sect. 36. "That every person claiming to be within any of the exemptions allowed by this act, in or by any of the schedules hereunto annexed, marked C, D, E, F, G, H, I, or K, except of the royal family, in such cases where they are specially exempted, shall make a due return thereof, and declare the cause or causes of such exemptions, such declaration to be specified in or annexed to the lists to be by him or her delivered; and if any dispute shall arise whether the person be entitled to such exemption, the proof thereof shall lie on the person claiming such exemption, who, on any charge or surcharge before such commissioners, or on any suit or prosecution, shall be permitted to allege the same on oath or affirmation, or to prove the same by lawful evidence to be produced and shown by him or her; provided that no such exemption shall be allowed, unless the same, and the cause thereof, shall have been duly returned to the assessor or assessors aforesaid."

Sect. 37. "That if any person, liable to the said duties, or any of them,

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Penalty for removing without delivering list, &c., 50l.

Persons letting to hire horses so that the stamp-office duty shall not be chargeable, or letting servants or carriages, shall deliver lists of the number of the horses, &c., and of the names, &c. of the persons hiring.

Hirers of such horses, servants, and carriages, shall return lists thereof.

Surveyors may surcharge in default of returns the hirers of servants, &c., and the progressive duties for one year shall be charged on such hirers, unless on proof that the parties letting have been charged.

the parish or place where such last-mentioned notice shall have been delivered, in like manner as if such person actually resided in such parish or place, or in the parish or place where such persons shall have their ordinary residence; and if any person on whom such notice shall have been served, shall remove from such parish or place, without having delivered such list or declaration, he or she shall forfeit the sum of 50l."

Sect. 40. "That every person letting to hire any horses in such manner as not to be chargeable to the stamp-office duty made payable by law on horses let to hire, or letting any servants or carriages, shall annually return a list of the greatest number of such servants, carriages, and horses kept by him or her at any time in the prior year, in like manner, and within and for the like period, and under the like penalties, as returns of other servants, carriages, and horses, subject to the duties by this act made payable, are directed to be made; and every such list shall specify the name and place of abode of the person or persons for whose use or in whose service such servants, carriages, and horses shall have been or shall be employed, and the number of each let to hire to every such person, and the period of each letting, according to the number of servants, carriages, and horses which shall or ought to be contained in such list, the said duties by this act made payable shall be charged on the person or persons letting or hiring such servants, carriages, and horses, as the case may require."

Sect. 41. "That where any person shall hire or shall have hired any horses, in such manner that the stamp-office duty payable by law on horses let to hire, shall not be chargeable on such letting, or shall hire or shall have hired any servants or carriages, then such hirer shall annually return a list of the greatest number of such servants, carriages, and horses, to the assessor or assessors of the parish or place, or parishes or places, where such hirer shall reside or be at the time such return ought to be made, as the case may require, in like manner, and within and for the like period, and under the like penalties, as returns of other servants, carriages, and horses, exempted from the said annual duties by this act, are directed to be made; and every such list shall specify the name and place of abode of the person or persons by whom such servants, carriages, and horses shall have been or shall be let to hire, and the period of each letting."

Sect. 42. "That where any horses shall have been, or shall be let to hire, in such manner as not to render the person or persons letting the same liable to the said stamp-office duty, or where any servants or carriages shall be let to hire, and the hirer of such servants, horses, or carriages shall not make such return as by this act is required, then and in such case the duties chargeable in respect thereof for one year, shall and may be charged upon and paid by the person or persons hiring such servants, carriages, and horses, by the surcharge of the assessor, surveyor, or inspector, over and above the penalty incurred for any neglect or omission as aforesaid, unless the person or persons letting the same shall have been brought into charge for the same servants, carriages, and horses respectively; and if any dispute shall arise whether the person or persons so letting to hire any servants, carriages, or horses, shall have been brought into charge for the same, the proof thereof shall be on the hirer of such servants, carriages, and horses so surcharged, who, on such surcharge, shall be permitted to allege the same on oath, or solemn affirmation, or to prove the same by lawful evidence to be produced and shown by him or her; provided that the party hiring the same shall not be exempted, unless the exemption and the cause thereof shall have been duly returned to the assessor or assessors as aforesaid; and in every case where the said duties shall be chargeable on the hirer or hirers of such servants, carriages, and horses, making default as aforesaid, the progressive duties made payable thereon, by schedules C. No. 1, D. No. 1, and E. No. 1, respectively shall be charged."

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Or the party shall provide proper forms.

Penalty 50*l*.

Assessor shall certify duty on carriages to commissioners, who shall make assessment.

Gate-keepers and farmers of post-horse duties shall permit surveyors to inspect their certificates.

Penalty, 100*l*.

Lists of persons licensed to let post-horses shall be annually transmitted to Tax-office.

Horse-dealers at divers places shall deliver returns at each place, &c.

Penalty 20*l*.

coachmakers or makers of such carriages, and of such carriages sold by auction or on commission as aforesaid; and every such account shall at the end of each year (all such entries as aforesaid being required to be first duly made) be signed by the party with his own proper name, in his or her usual manner of writing or signing the same, and returned to the assessor or assessors of the parish or place where the party shall reside, for the use of the surveyor or inspector of the districts as aforesaid, or to such surveyor or inspector as the said commissioners for the affairs of taxes shall direct, at the times hereinbefore required; and in default of such application, the party shall be obliged to provide proper forms for the said purpose, and shall cause all such entries to be duly made therein, and the same to be signed and delivered to the assessor, or surveyor, or inspector, in like manner as is before directed for the accounts issued from the office for taxes; and if any person shall neglect to deliver such accounts duly filled up and signed within the times limited as aforesaid for making such returns, every such person shall forfeit and pay the sum of 50*l*."

Sect. 45. "That the assessor, surveyor, or inspector, to whom such account as aforesaid shall be delivered by any coachmaker or maker of carriages, or by any seller of carriages as aforesaid, shall forthwith return to the respective commissioners a certificate of the number of such carriages, of the several descriptions herein mentioned, by such persons respectively constructed or sold within the period of such account, and the amount of duty chargeable on them respectively, and the said commissioners shall cause an assessment to be made on the amount contained in each certificate, and added to the assessment of the said other duties charged in the same parish or place, and shall cause the same to be inserted in the collector's duplicate, who shall demand, receive, and collect the same, at the same times and under the same warrant, as the other duties are collected by or paid to such collector."

Sect. 46. "That from and after the respective days appointed for the commencement of the said duties, every gate-keeper of or upon any turnpike road, by whom any certificate shall be filed of any horses let to hire, in such manner as not to subject the hirer thereof to any stamp-office duty payable by the laws then in force, and every collector or farmer of the said stamp-office duty, to whom such certificate shall be delivered by such gate-keeper, according to the laws then in force, shall at all seasonable times permit the surveyors or inspectors of the said duties by this act made payable, to inspect such certificates gratis, and to take copies thereof, or of such parts thereof, or extracts from the same, as the said surveyor shall think necessary for securing the payment of the said duties; and if any person shall wilfully refuse to permit such inspection, or such copy to be taken, he or she shall forfeit the sum of 100*l*."

Sect. 47. "That the name and place of abode of every person licensed to let post-horses by the commissioners for managing the duties on stamped vellum, parchment, and paper, under the laws in force, shall annually be transmitted to the office for the affairs of taxes by the said commissioners, whenever the said duties shall not be let to farm, or otherwise, by the farmers and collectors of the said duties."

Sect. 48. "That every person who hath or shall have divers places in Great Britain, whereat he or she shall use or exercise the trade or business of a horse-dealer, and is or may be desirous of paying the said duties at one of such places, such places not being within different limits, as set forth in the said schedule marked H, subjecting him or her to different duties, shall be obliged to deliver a declaration at each of such places, declaring therein the particular county and parish or place where he or she intends or ought to be charged for the said duty, to enable the assessor or assessors at such place to charge the same accordingly; on pain that every person offending in any of the particulars before mentioned shall be chargeable at either place, and for neglect in making such return shall forfeit and pay the sum of 20*l*.; provided that every person

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the duties, at any time within one year.

Parents and guardians shall pay duties charged upon infants and executors, &c.

Assessments on persons deceased.

Duties charged on landlords under schedules (A.) & (B.) may be levied on occupier, who may deduct amount out of rent.

Parishes in which assessments are made, shall be answerable for the duties, and for payment by collectors under this act and 43 Geo. III. c. 99 (a).

same be proved before the commissioners acting in the execution of this act, or any two or more of them, where such person dwelleth or resideth at any time within one year next after such charge ought to have been made, every person that shall so escape from the taxation and payment shall be charged (upon proof thereof) at treble the value of so much as he or she should or ought to have been charged at by this act, the said treble value to be charged in the assessment on such person, and on nonpayment thereof to be levied on the goods, lands, and hereditaments of such persons."

Sect. 54. "That where any person or persons chargeable with the duties hereby made payable as aforesaid shall be under the age of twenty-one years, or where any person so chargeable shall die, in every such case the parents and guardians of such infants respectively, upon default of payment by such infants, and the executors and administrators of the person so dying, shall be and are hereby made liable to and charged with the payments which the said infants ought to have made, and the persons so dying were chargeable with; and if such parents or guardians, or such executors or administrators, shall neglect or refuse to pay as aforesaid, it shall be lawful to proceed against them in like manner as against any other person or persons making default of payment of the duties hereby made payable; and all parents and guardians, making payment as aforesaid, shall be allowed to all and every sum and sums paid for such infants in his, her, or their accounts; and all executors and administrators shall be allowed to deduct all such payments out of the assets and effects of the person so dying."

Sect. 55. "That where, in the assessment of any parish, ward, or place, by virtue of the rules contained in schedules (A.) or (B.), the said duties shall be charged on the landlord or landlords, or owners of any dwelling-houses let in different apartments, stories, tenements, lodgings, lands, or landings, and not on the respective occupiers thereof, and the landlords or owners shall not reside in such parish or place, or shall not have sufficient goods or chattels in such parish or place whereon the duties so assessed shall or may be levied, and such landlords or owners shall not have paid the said duties, then and in such case it shall be lawful for the collector or collectors to demand the same of and from the tenant or tenants, occupier or occupiers thereof, or any of them, and on non-payment thereof shall and may levy the said duties on the goods and chattels of such tenants and occupiers respectively, by distress and sale as aforesaid, as if the said duties were charged on such tenants and occupiers, and such tenants and occupiers are hereby required and authorized to pay such sum or sums of money as shall be so assessed, and to deduct out of the rent of such apartments, stories, tenements, lodgings, lands, or landings, such payments as the landlords and owners have been charged with; and the said landlords and owners, both mediate and immediate, according to their respective interests, are hereby required to allow such payments upon receipt of the residue of the rent, and every such tenant and occupier shall be acquitted and discharged of so much money as the said assessment or assessments shall amount unto, as if the same had actually been paid unto such landlords or owners."

Sect. 56. "That in England, Wales, or Berwick-upon-Tweed, the ward, parish, or place in which any assessment shall be made of the said duties shall be answerable for the amount of the duties which shall be charged in such ward, parish, or place, and for the said duties being duly demanded of the respective persons charged therewith, within ten days after the same are payable by virtue of this act by the collector or collectors

(a) See observations in *The Earl of Shaftesbury v. Russell*, 3 D. & R. 84; 1 B. & C. 669; *Juson v. Dixon*, 1 M. & Sel. 601; ante, p. 29. As to re-assessment, see 20 Geo. II. c. 3, s. 34; 25 Geo. III. c. 47, s. 25; *Rex v. In-* habitants of St. George's, Hanover Square, 3 Anst. 920; *Barre v. Digby*, 1 New R. 287; *Ex parte Parish of Henllan*, 7 Price, 594; *Wightw.* 1; 46 Geo. III. c. 65, s. 189, 190.

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Proof of dimensions of windows to lie on occupier.

Distinct tenements may be examined in like manner.

Assessors to bring in certificates of assessments for duties, with names of persons claiming exemptions, &c., according to the regulations of 43 Geo. III. c. 99; (and see c. 150).

Inspectors and surveyors may inspect returns and assessments, and amend the latter before they are allowed by commissioners,

house or houses, and the premises occupied therewith, and to measure such windows or lights externally, that cannot be conveniently seen, numbered, or measured, without passing through such house or houses; and shall also have liberty to make like view, examination, and inspection, twice in the year during the continuance of this act; and if any dispute shall arise touching the dimensions of any window or light, the proof thereof shall lie upon the occupier or occupiers, who shall cause the same to be duly admeasured at his and their proper costs, and verified before two or more of the said commissioners, on the oath or affirmation of the person admeasuring the same."

Sect. 61. "That where any dwelling-house shall be divided into distinct tenements, requiring each tenement to be separately assessed, it shall be lawful for the said assessors, surveyors, and inspectors, and every of them, to take an account of the number of windows in each distinct tenement, and for that purpose shall have liberty to enter into the same, and to view, number, and measure the windows therein, as well internally as externally."

Sect. 62. "That the respective assessors acting in the execution of this act shall bring in their certificates of assessments, in writing under their hands, within the limited time by the said recited act of the present session of parliament, to be verified as therein directed, of every dwelling-house, inhabited or not inhabited, within the limits of those places for which they are to act, and of the number of windows or lights in each house, and the full and just yearly rent which every such dwelling-house, with the offices and premises hereby charged, is really worth, estimated according to this act, together with the names and surnames of the several occupiers or inhabitants of each dwelling-house, and also the greatest number of male servants, or other male persons herein described, carriages, horses, mules, and dogs, which shall have been retained, kept, or used, within the then preceding year, for which the persons retaining, keeping, or using the same, ought to be assessed to any of the duties made payable by this act for the current year, within the limits of those places for which they act, and the names and surnames of the several persons who shall have retained, kept, or used the same; and also the names and surnames of all persons within such limits liable to the duties, in respect of their trade or business of a horse-dealer, or of their trade or business of a coachmaker, or maker of carriages, or seller of carriages by auction or on commission, or in respect of hair-powder, or any armorial bearings or ensigns, worn or used by them, and of the several sums of money they respectively ought to pay by virtue of this act, in each case respectively, without concealment or favour; and also the names and surnames of those who have claimed exemptions from the said duties, or any of them, and the causes of such exemption, under the penalty contained in the said recited act, observing therein, as to the time of bringing in such certificates, the regulations of the said recited act."

Sect. 63. "That the surveyors or inspectors appointed or to be appointed, as herein mentioned, shall be and they are hereby empowered to inspect and examine all and every the returns of lists or declarations made by any person or persons chargeable to the said duties, or any of them, according to the directions of this act, and also all and every the assessments of the said duties, or any of them, made for any parish or place, as well before as after the commissioners shall have signed and allowed the said assessments, and, before such allowance, to correct and amend such assessments, if he or they shall see fit; and every person in whose custody any such lists shall be, shall and is hereby required, upon the request of any such surveyor or inspector as aforesaid, to deliver the same into his custody for the purposes of this act, taking his receipt for the same; and every person in whose custody any such assessment shall be, shall and is hereby required, upon the request of such surveyor or inspector, as aforesaid, to produce the same; and such surveyor or inspector is hereby authorized to take charge of the same until he shall

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43 Geo. III. c. 161.
by delivering lists
on oath (see
s. 56),

or on objection, of
surveyor, assess-
ment shall be
made in double
duty, subject to
appeal.

Form of affidavit
to be annexed to
return (see s. 65).

On omissions in
returns, surcharge
may be avoided
by new return on
oath (and pro-
ceedings as under
s. 65).

Form of affidavit
in aid of defective
returns.

of surcharge shall be given, as aforesaid, on occasion of his or her being neglected to make any return, as required by this act, at any time previous to the time appointed for hearing appeals next after the delivery of such notice, to make out and deliver to the surveyor or inspector, who shall have delivered the notice of surcharge, a true, perfect, and complete list or lists, or declaration or declarations, in the forms directed by this act, and as the case may require, so that he or she may, from such list or lists, or declaration or declarations, so delivered, be charged to the said full sum at which he or she ought to be charged by virtue of this act; provided that, to every such list or declaration, there shall be annexed an affidavit in writing, to the effect hereinafter mentioned; and if the said surveyor or inspector shall be satisfied with such list or declaration and affidavit, then he shall certify such return and affidavit to two or more of the said commissioners, with the amount of the duty to which he or she is charged, who shall thereupon cause the assessment to be made according to such certificate, and the same rate of duty as set forth in the schedule to this act annexed to be charged on the person making such return, without further trouble or delay; but if, upon examination of such list or declaration, or such affidavit, the said surveyor or inspector shall see just cause to object thereto, he shall thereupon certify such return and affidavit together with the cause of his objection, to two or more of the said commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate, in double the amount of the duty at which such person shall be surcharged; and from which charge no abatement shall be made on any pretence, unless on appeal, as hereinafter is directed; of which certificate notice shall be given by the surveyor to the person to be charged thereby."

Sect. 66. "That every such affidavit shall allege and declare in substance or to the effect as follows: (that is to say,) that the deponent was not at his or her dwelling-house, or other place of abode, at the time appointed for the fixing or delivery of general or other notice, for making such return as required by this act, nor between that day and the time limited for making such return to the assessor, and that he or she had not seen such notice; or, that he or she was disabled by sickness from making such return; or, that the non-delivery of such return was occasioned by the following unavoidable mistake or accident, without any intention to defraud the revenue; *videlicet* [here set forth the cause of such default]; and that the return annexed to this affidavit is a full, perfect, and complete return of all matters and things required of the said deponent by this act, to the best of his or her judgment; which affidavit may be taken before any one or more of the commissioners acting for the place where the surcharge shall be made, or where the party surcharged shall reside, and shall be signed by the party making the same."

Sect. 67. "That it shall be lawful for any person to whom such notice of surcharge shall be given, on occasion of his or her having omitted in the return made any person or description, or any article, matter, or thing, which ought to have been contained therein, or of having claimed any exemption not allowed by this act, to amend such return, by delivering to the surveyor or inspector, as aforesaid, a new return, according to the directions before given, to which an affidavit shall be annexed, to the effect hereinafter mentioned; and the said surveyor or inspector shall be at liberty to certify his satisfaction therewith, or his objection thereto, in the manner hereinbefore directed, according to which certificate, the party surcharged shall be assessed in the single duty to the full amount at which he or she shall be chargeable, or in the double duty on the amount of the duty so surcharged, as the case may require, subject to the like power of appeal from such charge in the double duty, and to the like proceedings, in all other respects, as are before given and directed."

Sect. 68. "That every such last-mentioned affidavit shall allege and declare the grounds and cause of each omission, or claim of exemption, as well to matter of law as fact, whether the deponent shall persist in

3. *Of the Assessed Taxes themselves.*

43 Geo. III. c. 161.

Not to defeat any action against surveyor under 43 Geo. III. c. 90, s. 23, or c. 150, s. 19.

Court may mitigate penalty.

Assessors, &c. or appellants, may demand a case for the opinion of a judge (a).

If surcharge confirmed, assessment shall be in double duty, &c., as on appeal.

40s. costs on appellant having demanded a case, if surcharge confirmed.

When cases obtained by inspectors, &c. shall not be returned with-

of suit: provided always, that nothing hereinbefore contained, nor any suit by the party aggrieved, in pursuance of this act, shall be construed to affect, impeach, or defeat any action or information brought or to be brought against any surveyor or inspector, in pursuance of the said recited acts respectively, for any corrupt, vexatious, or illegal practices in the execution of his office; and it shall be lawful for the judge before whom such inspector or surveyor shall have been convicted of such offence, by indorsement on the postea, or for the court before whom such person shall be convicted, to mitigate the penalty at his or their discretion."

Sect. 73. "That if any such assessor or assessors, surveyor or surveyors, inspector or inspectors, or the persons appealing either against the original assessment or surcharge, or against the certificate of the inspector or surveyor as aforesaid, or against the assessment to be made thereupon, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall be lawful to and for such assessor or assessors, surveyor or surveyors, inspector or inspectors, or appellant respectively, to require the said commissioners to state specially, and to sign the case upon which the question arose, together with the determination thereupon, which case the said commissioners, or the major part of them then present, shall hereby required to state, and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted, if in England, Wales, or Berwick-upon-Tweed, to one of the justices of the Court of King's Bench or Common Pleas, or to one of the barons of the Court of Exchequer for the time being at Westminster, and if in Scotland, to one of the lords of the Court of Session, or the barons of the Court of Exchequer in Scotland; and every such judge is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereon subscribed thereto, according to which opinion, so certified, the assessment which shall have been made the cause of such appeal shall be altered or confirmed: provided always, that where the opinion of such judge shall be in support of any surcharge, the assessment thereupon shall be made in the double duty, or shall be mitigated to such sum as shall have been determined by the said commissioners at the time of the appeal: provided also, that notwithstanding any such case so transmitted to any of the said judges, the instalment on the assessment as determined and allowed by the said commissioners, which shall become due precedent to the opinion being certified by any such judge upon such case, shall be collected and levied as if no such case had been transmitted.

Sect. 74. "That if, according to the opinion of any of the said judges to whom any case shall, at the request of the appellant or appellants, be transmitted in pursuance of any of the directions contained in this act, the charge or surcharge upon which the question contained in such case shall have arisen shall be confirmed and established, the person or persons so charged or surcharged shall, for the costs and charges attending the same, pay to the use of his majesty, his heirs and successors the sum of 40s., in addition to the assessment or surcharge so confirmed and established as aforesaid, and which costs shall be added to such assessment, and levied and collected therewith, and as part of the duty so assessed."

Sect. 75. "That whenever any case or cases to be transmitted to any of the said judges for his or their opinion thereon, in the manner directed by this act, shall have been obtained by any inspector or inspectors, su-

(a) The 45 Geo. III. c. 71, s. 3, provides, that if the opinion of a judge shall be against the assessment, the Tax-office may order receiver-general to repay money overpaid on assessment,

By the 4 Geo. IV. c. 11, copies of cases determined by the judges are to be annually laid before parliament. See the act, *post*, p. 104.

3. Of the Assessed Taxes themselves.

48 Geo. III. c. 17.

Treasurer to appoint salaries to officers and pay other expenses

Allowances to receiver-general, collector, and clerk of commission

* Sect. 75.

Clerk shall not take any fee, &c.

Penalties recoverable as under in England, 48 Geo. III. c. 90, and c. 150, in Scotland.

Time of payment of duties by collectors to the receiver-general, and by them into exchequer

or charters, or any clause of *non obstante*, or other matter or thing therein contained, or any law or statute to the contrary notwithstanding."

Sect. 78. "That out of the monies from time to time arisen or to arise of or from the said duties made payable by this act, it shall be lawful to and for the said commissioners of the treasury, or any three or more of them, now or for the time being, or the high treasurer for the time being, to settle and appoint such salaries and allowances for the service, pains, and labour of the surveyors, inspectors, and other officers to be employed in the execution of this act, and otherwise in relation thereto, and also to discharge such incident charges and expenses as shall necessarily attend the execution of this act, as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think fit and reasonable in that behalf."

Sect. 79. "That every receiver-general shall have an allowance of two-pence in the pound for all the monies which shall be by him paid into the receipt of the exchequer: and that every collector shall have three-pence in the pound for what money he shall pay to the receiver-general, his deputy or deputies, within the time limited by the said recited act: and that for the careful writing and transcribing the said assessments, warrants, estreats, and duplicates, in due time, and for the due, speedy and effectually executing all matters and things directed to be performed under the said commissioners, the clerk of the respective commissioners, who shall perform the same within the respective times limited by this act, shall, by warrant under the hands of two or more of the commissioners, have and receive from the respective receivers-general, their deputy or deputies, three-half-pence in the pound, of all such monies as he or they shall have received by virtue of such warrants or certificates, who is and are hereby appointed and allowed to pay the same accordingly, provided this act be carried into execution in due time, and in an effectual manner, for the district in which he shall be appointed the clerk, and all warrants or estreats be made out, and the duplicates delivered to the said receiver-general, and into the office of king's remembrancer as aforesaid, within the times limited by this act,* and not otherwise; and no other person except the person appointed to be his assistant as aforesaid, shall, under any pretence whatever, be entitled to, or receive, or take any part of the reward hereby given to such clerk; the amount whereof shall be apportioned and settled by the respective commissioners; nor shall any such clerk or assistant, under any pretence whatever, demand, take, or receive any fee, gratuity, or perquisite, for any matter or thing to be done by him or them, by virtue and under the authority of this act, from any person or persons other than the receiver-general, his deputy or deputies, in manner aforesaid."

Sect. 80. "That all pecuniary penalties and forfeitures imposed by this act shall and may be sued for, recovered, and applied in such manner and form as is directed by the said recited acts respectively in regard to the pecuniary penalties and forfeitures thereby imposed."

Sect. 81. "That the collectors shall pay over the whole of the sums by them received by virtue of this act, in manner and upon the days of payment following; that is to say, in England, Wales, and Berwick-upon-Tweed, the same shall be paid quarterly unto the respective receivers-general, or their respective deputies, within twenty days after the respective days appointed for the payment thereof, at such places as shall be appointed by such receivers-general, and the said receivers-general shall cause the same to be paid into the receipt of his majesty's exchequer at Westminster, before the end of the quarter in which the same shall be received, according to the provisions of the said first recited act; and in Scotland the same shall be paid half-yearly to the receiver-general at Edinburgh, *videlicet*, on or before the 25th day of December, for the first half-year's instalment of the said duties, and on or before the 24th day of June for

3. *Of the Assessed Taxes themselves.*

43 Geo. III. c. 161.

See 42 Geo. III. c. 34, s. 40.

Repeal of former duties, and of such parts of acts as relate to those duties.

to the sum of 1,597,596*l.*; and that the excess of the said rates and duties above the said sums shall be deemed a permanent increase to the public revenue of Great Britain, for the purpose of defraying any increased charge occasioned by any loan made or stock created by authority of any act of parliament passed in the present session of parliament.

Sect. 84. "That from and after the 5th day of April, 1804, the several rates and duties contained in any of the acts hereinafter mentioned, in lieu whereof other duties are hereby substituted, and also such parts of the several provisions of the said acts which relate to the duties made payable by this act, or any of them, shall be and are hereby repealed; that is to say,

"20 Geo. II. c. 3, for duties on houses, windows, and lights—20 Geo. II. c. 42, and 21 Geo. II. c. 10, for amending said act—20 Geo. II. c. 3, 26 Geo. II. c. 17 (misrecited as an act of his present majesty), for windows in Scotland—2 Geo. III. c. 8, duties on windows—6 Geo. III. c. 38, repealing former duties on houses, windows, and lights, and granting others—17 Geo. III. c. 39, duty on servants—18 Geo. III. c. 26, duties on inhabited houses—19 Geo. III. c. 59, repealing duties under 18 Geo. III., and granting others, and amending 17 Geo. III. c. 39, as to servants—21 Geo. III. c. 31, for collecting duty on servants—24 Geo. III. st. 2, c. 31, duty on horses—24 Geo. III. st. 2, c. 38, duties on inhabited houses—25 Geo. III. c. 43, repealing duties on servants and granting others—25 Geo. III. c. 47, transferring duties from excise and stamps to Tax-office—26 Geo. III. c. 79, for explaining 25 Geo. III. c. 47—29 Geo. III. c. 49, horses and carriages—32 Geo. III. c. 2, inhabited houses, repealing 6 Geo. III. c. 38, in part—36 Geo. III. c. 15, new duty on horses—36 Geo. III. c. 16, additional duty on horses—36 Geo. III. c. 117, lights in dairies—36 Geo. III. c. 124, duties on dogs—37 Geo. III. c. 106, additional duty on horses—37 Geo. III. c. 107, additional duties on servants—37 Geo. III. c. 134, further additional duty on horses—38 Geo. III. c. 40, repealing duties on houses, windows, lights, and inhabited houses, and granting others in lieu—38 Geo. III. c. 41, repealing former duties on servants, carriages, horses, mules, and dogs, and granting others—38 Geo. III. c. 80, to amend said c. 41—38 Geo. III. c. 93, taxed carts—41 Geo. III. (U. K.) c. 9, horses, additional duty and exemption—41 Geo. III. (U. K.) c. 40, exemption on horses of clergymen—41 Geo. III. (U. K.) c. 62, exempting Irish members, &c. from duties—41 Geo. III. (U. K.) c. 69, duty on hair-powder and armorial bearings transferred to Tax-office—36 Geo. III. c. 17, duty on horse-dealers—41 Geo. III. (U. K.) c. 71, duty on horse-dealers transferred to Tax-office—42 Geo. III. c. 34, consolidated duties on windows, lights, and inhabited houses—42 Geo. III. c. 37, consolidated duties on servants, carriages, horses, mules, and dogs—42 Geo. III. c. 100, explaining acts as to horses, servants, and carriages."

Except as to arrears and penalties, and such provisions of the said acts as relate to other things.

"And that all the acts heretofore repealed by any of the said acts before mentioned to be repealed, shall be deemed to be and construed also to be and continue repealed, according to the respective provisions thereof; save and except in all cases relating to the recovering, collecting, paying, or accounting for any arrears of the several duties hereby repealed, which may become payable on or before the said 5th day of April, 1804, and may after that time remain unpaid, and to the recovering any penalty or forfeiture which shall have been then incurred under and by virtue of the said several acts, or any of them, and the provisions of the said acts relating thereto; save also and except such parts of any of the said acts which relate to any matters or things other than the said duties or the methods of assessing, levying, and collecting the same."

Sect. 85. Commissioners and other officers under this act were empowered to levy arrears of duties due under any former acts.

Sect. 86. "That if any action or suit shall be brought against any person or persons for any thing done in pursuance of this act, or any act

Limitation of actions, six months (a).

(a) As to the construction of clauses of this kind in general, see "*Justices.*" Vol. III.

3. *Of the Assessed Taxes themselves.*

48 Geo. III. c. 55.

Sect. 1 enacts, that the duties contained in the schedules to this Act, (A. to (K.), shall be levied instead of former duties.

Sect. 2 repeals the former duties, and enacts that the new duties shall be levied under the directions of 43 Geo. III. c. 161, *ante*, 70 to 101.

Sects 3 and 4 repeal the stamp duties on game licences, and impose duties in schedule (L.), in respect of killing game.

Sect. 5 enacts, that the new duties shall be assessed and collected, &c. under the powers of the 43 Geo. III. c. 99, *ante*, 3 to 48; 43 Geo. III. c. 161, *ante*, 70 to 101; 45 Geo. III. c. 5, *ante*, 6.

Sect. 6 provides, that the commissioners, and other officers appointed for the assessed tax act, shall put in execution this act (48 Geo. III. c. 55) and that the monies levied shall be under the care of the commissioners for the affairs of taxes.

Sect. 7 provided allowances to receivers-general, collectors, and clerks, but this was repealed by the 3 Geo. IV. c. 88, *ante*, 16.

Sect. 8 then enacts that the duties shall be carried to the consolidated fund.

Sect. 9 provides that accounts of duties shall be kept, and laid before parliament, &c.

Then follow the schedules, the existing parts of which are at the end of this division, *post*.

48 Geo. III. c. 141.

See the 48 Geo. III. c. 141, *ante*, 50 to 55.

50 Geo. III. c. 104.

The 50 Geo. III. c. 104, altered the duties on servants and carriages, but enacted that the new duties should be assessed under the regulations of former acts, and directed that makers of taxed carts should return their names, and keep accounts of carts sold; directed the makers of such carts to paint *place and owner's name* before delivery, and *subjected persons who carts without particulars painted* to a penalty (a); exempted the duty on windows of a house used solely for the purpose of manufacture; and contained a schedule of duties on gardeners (repealed by 4 Geo. IV. c. 11, s. 1); a schedule of duties payable on taxed carts (repealed by 4 Geo. IV. c. 11, s. 1; 6 Geo. IV. c. 7, s. 1); a schedule of duties on four-wheeled carriages, and a schedule of duties on makers of taxed carts.

52 Geo. III. c. 93.

The 52 Geo. III. c. 93, granted new and additional duties. The schedules (C.) and (D.) of that act were repealed by the 4 Geo. IV. c. 11, and Geo. IV. c. 7, s. 1. These will be incorporated in the schedules, *post*.

54 Geo. III. c. 141.

The 54 Geo. III. c. 141, enacts, that the duties in schedule 53 Geo. III. relating to persons *assisting* in killing of game, shall cease, if assistance be given to another who has obtained a certificate, &c.

56 Geo. III. c. 66.

The 56 Geo. III. c. 66, reduced the duties on horses used for the purposes therein mentioned, for two years, and repealed the acts granting allowances in respect of children. The sections 1 to 10 are expired. The 11th section repealed the 46 Geo. III. c. 88, and 52 Geo. III. c. 147, as to allowances of duty in respect of children.

57 Geo. III. c. 25.

The 57 Geo. III. c. 25, explains and amends the 48 Geo. III. c. 55, and enacts, that tenements which have been occupied as dwelling-houses shall not be charged to duties under the recited act, when employed solely for the purposes of trade, or as warehouses, shops, or counting-houses; but that such tenements may be brought into assessment, and persons claiming relief shall give notice to appear, and deliver a declaration as therein mentioned; and sect. 2 provides that if such tenements are used for any other purpose, then commissioners shall assess them accordingly. Sect. 3 expired. Sect. 4 enacts, that mills, or places of manufacture, &c., not attached to a dwelling-house, shall not be liable to duty, though a servant licensed to guard the same, abide therein. Sect. 5 exempts dairies in farm-house, having only one window, from the window-duty. See the act, *post*, schedule (B.).

58 Geo. III. c. 16.

The 58 Geo. III. c. 16, relates to duties on horses, and was repealed by

(a) Repealed by 4 Geo. IV. c. 11, s. 4.

3. *Of the Assessed Taxes themselves.*

3 Geo. III. c. 11.
assessed at 10s. per annum only.

4 Geo. IV. c. 11.

Certain duties on windows in shops and on certain servants, carts, and horses, repealed.

One moiety of the duties on windows :

on male servants

on carriages.

and on horses to come.

keeper duly appointed by any lord or lady of the manor, such game-keeper being an assessed servant, shall not be liable to be assessed as an additional servant, but shall be assessed after the rate of 10s. per annum, and no more, unless such under-keeper be also employed in some other capacity by which he is liable to be assessed as a servant under the provisions of the said recited act of the fifty-third year aforesaid."

The 4 Geo. IV. c. 11, repeals certain of the duties of assessed taxes, reduces other duties, and relieves persons who have compounded for the same.

Sect. 1 enacts, "That, from after the fifth day of April, 1823, in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, and from and after the twenty-fourth day of May, 1823, in that part of Great Britain called Scotland, for and in respect of and upon all assessments to be made for any year, commencing from the respective days and year last aforesaid, *so much of the said duties on windows or lights in shops or warehouses*, being parts of dwelling-houses chargeable by the said first-mentioned act, in respect of any number not exceeding three such windows or lights in any shop or warehouse, in the front or fronts, and on the ground or basement story of every dwelling-house occupied by any person or persons in trade, who shall expose to sale or sell any goods, wares, or merchandizes, in any such shop or warehouse; and also the whole of the said duties on *gardeners*, and on *servants in husbandry or trade*, and on *taxed carts*, and on *horses, mares, geldings, or mules*, hereinbefore respectively and particularly enumerated and described, and all assessments thereon for and in respect of any year commencing from and after the respective days aforesaid, shall severally cease and determine" (a).

Sect. 2. "That, from and after the said 5th day of April, 1823, in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, and from and after the 24th day of May, 1823, in that part of Great Britain called Scotland, on all assessments to be made for any year commencing from the respective days last aforesaid, *one moiety and equal half part of each and every of the duties on windows or lights set forth in the said schedule marked (A.) of the said act*, passed in the forty-eighth year of the reign of his said late majesty; and also one moiety and equal half part of each and every of the several duties on *male servants* and male persons, respectively set forth in the respective schedules marked (C.) No. 1, No. 3, and No. 4, of the said acts, passed in the forty-eighth and fifty-second years of the reign of his said late majesty; and also one moiety and equal half part of each and every of the duties on *carriages* with four wheels, and of each and every of the duties on carriages with two wheels, respectively set forth in the respective schedules marked (D.) No. 1, No. 2, No. 3, and No. 4, of the said acts, passed in the forty-eighth and fifty-second years aforesaid; and also of the duties on carriages granted by schedule (D.) No. 2, of the act passed in the fiftieth year of his said late majesty's reign, and also by another act passed in the fifty-eighth year of his said late majesty's reign, intituled 'An Act for charging certain Duties on Four-Wheel Carriages, constructed and drawn in the Manner therein stated;' and also one moiety and equal half part of the duties made payable on all *horses, mares, geldings, or mules*, respectively set forth in the respective schedules of the said acts, passed in the forty-eighth and fifty-second years aforesaid, marked schedule (E.) No. 1, schedule (E.) No. 2, schedule (E.) No. 3, and schedule (F.) No. 1; also, one moiety and equal half part of the duties on horses, mares, geldings, or mules, described in and granted by an act passed in the fifty-ninth year of his said late majesty's reign, intituled, 'An Act to continue Two Acts of the Fifty-sixth and Fifty-eighth Years of his present Majesty,

(a) The repeal of the duties of 3s., 2s. 10d., and 2s., extended to horses under thirteen hands.

(b) The 3 & 4 Will. IV. c. 39, s. 4, *post*, 127, repeals duties in certain cases of male servants.

3. *Of the Assessed Taxes themselves.*

4 Geo. IV. c. 11.

Exemptions to shopmen under fifteen years, extended to shopmen under eighteen years (a).

Proviso.

Persons having compounded for a two-wheel carriage may substitute a four-wheel carriage in the composition, paying the difference of duty, and 5*l.* per cent. on the difference.

Copies of taxation cases determined by the judges to be annually laid before parliament.

thereof, and the full value thereof, or the actual price or con paid or given for the same, to be marked or painted on a black white letters, on the outside of the back panel, or back pa carriage, shall, from and after the passing of this act, be and declared to be discontinued and repealed; but every such ca aforesaid shall in every other respect (except as herein varied and constructed according to the regulations of the said act rules therein contained; and it shall be lawful for any person keeping and using any horse, mare, gelding, or mule *bond f* purposes of husbandry, to use any such horse, mare, gelding, drawing any carriage of the description of a taxed cart, the dut is repealed by this act, and kept by any such person respective her, or their own use, free of any duty chargeable under the s respect of any such horse, mare, gelding, or mule, in and by a ment to be made for any year commencing from and after the day of April, 1823."

Sect. 5. "That the powers and provisions contained in an in the fifty-ninth year of the reign of his said late majesty, relief from the duties charged on shopmen by the said acts to a person wholly maintained and lodged in the house of his ex employers, such persons respectively being under the age of fif shall, upon every assessment made or to be made after the April, 1823, be extended to all and every such male person de the said act, being respectively under the age of eighteen years: always, that the causes of every exemption in respect of any person shall be truly returned and stated in the manner direc said act, and the several other acts in force before the passi act."

Sect. 6. "That in case any person who, having compound the said recited acts in respect of a carriage with two wheels desirous, during the year commencing on the 5th day of April discontinuing to keep the same, and of substituting a carriage wheels in lieu thereof, it shall be lawful for him, her, or them s giving notice of such his or her intention to the surveyor c duties acting for the district in which such person shall resi six calendar months after the passing of this act, on payment ference of duty so compounded for on a two-wheeled carr reduced by this act, and the duty chargeable by the said ac reduced by this act, on a four-wheeled carriage, together with t 5*l.* *per centum* on such difference, to be indorsed by certificate such contract of composition by any two of the commissioners the execution of the same acts in the district in which such con have been entered into, and to be made payable from and after t of April, 1823, by half-yearly instalments, during the continua said contract; and which additional payments shall be enforc manner as if they were originally inserted in every such cont any person seeking the benefit of this provision shall and may, c continuance of his or her said composition, keep and use any fou carriage free of duty" (b).

Sect. 7. "That copies of all cases, which shall, after the passi act, be stated and signed by any commissioners acting in the of the said acts and of this act, at the instance and request of any inspector, surveyor, or person appealing under the powers i acts contained, and which shall be determined by any one or m justices of the Courts of King's Bench or Common Pleas, or of of the Court of Exchequer, for the time being at Westminster, in Wales, or Berwick-upon-Tweed, or by any one or more of the

(a) See 3 & 4 Will. IV. c. 39, *post*, the privileges of persons orig 127, repealing duties on *shopmen*. pounding for a four wheel ca

(b) Persons so compounding to have

Taxes, Assessment, &c.

[a

and makers of other carriages chargeable with duty by the said act, on carriages made, sold, or repaired, as therein mentioned several duties granted to his majesty under the provisions mentioned acts, and made payable by the said act No. 6, by persons *selling carriages by auction* or on commission the duty granted to his majesty on *carriages with four ponies, mules, oxen, or asses*, and made payable by the fifty-eighth year of his said late majesty's reign, in charging certain Duties on Four-wheeled Carriages drawn in the Manner therein described; and also the majesty by an act passed in the fifty-ninth year of the late majesty, upon every person keeping any *scale* or *pose* of carrying ore, slate, or stone, coal, or culm, to a pit, or for the purposes of carrying lime, sea-sand, sea-nure, on the backs of such mules, as therein mentioned respectively cease and determine; and all assessments commencing as aforesaid, so far as the same shall apply to any of the duties hereby repealed, shall be null and void.

Sect. 2. "That where the occupier or tenant of a cottage, or tenement, chargeable with duty, shall have an assessment made, and such occupier or tenant thereof, on so quitting, to the assessor, in the manner and form of the said acts, the duty thereon shall be discharged by the executing the said acts and this act, for the particular year of such assessment, during which it shall be assessed, and the commissioners such house, cottage, or tenement shall be each entire quarter wholly empty and unoccupied, and no quitting shall not have taken place on the actual demise or lease or demise by which such occupier or tenant held the same in the manner described by the said act passed in the forty-eighth year of his said late majesty's reign, as provided also, that where any house, cottage, or tenement shall have been built, or otherwise completed for occupation, and making the assessments yearly, as directed by the said acts, shall, after the expiration of the first or of any subsequent year become occupied during a portion only of the year, such house, cottage, or tenement shall, on notice of the commencement of occupation, to be given by the occupier in the manner directed by the said act, be assessed and charged with the said duties of the year of assessment during which such house, cottage, or tenement shall be actually occupied,—to wit, from the end of the preceding such occupation; and when any window shall be made, opened, or restored in any dwelling-house, cottage, or tenement, after the commencement of each year's assessment, shall be given as directed by the said acts, the assessments or lights in such house, cottage, or tenement, shall be amended in respect of any such additional window or windows, and the duty shall be charged and assessed for the full number of windows for the remainder only of the year commencing from the end of the quarter of the year preceding the increase of such window or windows: provided always, and in every case of default of notice of the commencement of occupation, or of the increase of windows, as directed by the said acts in the cases herein mentioned, and also in every case where any house, cottage, or tenement, shall become occupied, or the additional window or windows therein shall be made or restored within and before the expiration of the first quarter of the year of assessment, the assessments or amended assessments herein directed shall be made and payable for the whole of the year within which such occupation shall have commenced, or such additional number of window or windows shall have been made or restored: provided further, and where any additional window or windows shall be made, opened or restored, in any house, cottage, or tenement, containing, at the commencement of the year of assessment, not more than seven

whole
being to
number of

3. *Of the Assessed Taxes themselves.*

6 Geo. IV. c. 7.

No other duties to be substituted for those repealed.

Proviso.

Proviso for persons assessed for carriages with less than four wheels, employing groom, &c.

Victuallers employing boys under 15.

Persons keeping taxed carts using seats not fixed, &c.

Carriages with three wheels.

Farmers under 200*l.* a-year, letting horses occasionally for hire.

Repeal of duties on coachmakers

licensed servant therein, for the purposes only of watching and guarding the same under such licence, shall not render the occupier thereof liable to the duties by the said acts granted, for the year in which such exemption shall be allowed, and such licence shall be obtained; and which licence shall not in any case extend to authorizing any servant or servant to be named therein, or any part of his or her family, to inhabit or dwell in any such house, tenement, or building, as a place of residence; and nothing in the said acts contained to the contrary notwithstanding."

Sect. 8. "That nothing herein contained shall render any person or persons liable to a higher or other duty of assessed taxes in lieu of the duties hereby repealed, so far as the same apply to the particular person or article employed, kept, or used; provided that the employment or use of any carriage, shall not exceed the quantity, use, or construction respectively allowed under the regulations of the said acts or of this act, and the rules and schedules therein, by which such duties hereby repealed were granted and regulated; and the provisions of the said act passed in the fourth year of his said majesty's reign so far as the same apply to the protection of persons from further exemption to any other duty in lieu of the duties thereby repealed, (substantially therein mentioned,) shall be extended and applied to the duties hereby repealed, to all intents as if the said provisions were re-enacted by this act; and where any person or persons shall be chargeable with and duly assessed to the duty for any carriage with less than four wheels, and shall occasionally employ in the capacity of groom, stable-boy, or helper in the stable, any person *boná fide* retained by him, her, or them, for the purposes of husbandry, manufacture, or trade, such person or persons shall not be charged with any duty payable by the said acts in any year commencing from and after the said fifth day of April, 1825, for a male person, by reason of such occasional employment; and where any person, being a victualler duly licensed to sell ale or beer, shall employ any one male person under the age of fifteen years to draw, carry out, or deliver by retail, any ale, beer, or liquors, which any such victualler shall be duly licensed to sell, such victualler shall not be liable to any duty chargeable by the said acts for one such male person, by reason of such employment; and any person who shall have kept and used, or who shall keep and use, any carriage, built and constructed in every respect as a taxed cart, under the rules and regulations of the said acts, shall not be liable to any other or higher duty for such carriage in lieu of the said duty on taxed carts hereby repealed, although such person shall or may have used, or shall use, the same with the seat of such carriage not fixed, or with such seat suspended by slings or braces; and any person who shall have kept and used, or who shall keep and use any carriage with three wheels, in every respect (other than in the number of wheels) built and constructed, and within the description contained in the said act passed in the fifty-eighth year of the reign of his said late majesty, for charging the duty hereby repealed on carriages with four wheels drawn by ponies, mules, oxen, or asses, shall not be chargeable with any duty for such carriages with three wheels; and any person or persons occupying a farm of less annual value than 200*l.* per annum, and making a livelihood principally thereby, shall be exempt from duty for any horses, mares, or geldings *boná fide* kept and generally employed by such person or persons for the purposes of husbandry on such farm, although such horses, mares, or geldings, or any of them, shall be occasionally let to hire or used by such person or persons in drawing for hire or profit, in the manner allowed by an act passed in the third year of the reign of his present majesty, by occupiers of farms of the like annual value, and making a livelihood solely thereby, and from the profits of such letting and use; any thing in the said several acts contained to the contrary notwithstanding."

Sect. 9. "That the repeal by this act of the said duties on coachmakers and on makers of carriages, and also on persons selling carriages by

l by any such clerk in the due execution of the said acts, allowance shall appear to the said last-mentioned commissioner treasurer reasonable and proper to be made, over and allowance by poundage made to any such clerk for the participation to which such expenses shall relate, under the said act; and the certificate of the commissioners for the said act, or any three or more of them, shall be an authority to the said clerk respectively to pay such further allowance."

That in every case where any certificate for exemption on property, obtained in the manner by the said acts directed, made and delivered to the respective commissioners, and read and adjudged by them respectively to be sufficient for exemption of person or persons from any of the duties in respect of his or house hereby repealed, if such duties had continued payable and may be lawful for the said respective commissioners, hereby authorized, upon the allowance of any such certificate the said exemption for one such dog to all intents as if the said exemption had been discharged from the assessment in respect of the dwelling-house of the person seeking the said exemption had been discharged from the assessment in certificate: provided always, that a due assessment shall be made every such dog, and that the discharge thereof shall be made by the said commissioners on the production and allowance of the said certificate, and in the manner prescribed for granting exemptions by

Exemptions to
poor persons for
one dog continued.

Proviso.

That the several powers and provisions contained in this act be put into execution by the several commissioners, collectors, inspectors, surveyors, and other officers appointed

Powers granted
to commissioners
and officers under
former acts to
extend to this act.

3. *Of the Assessed Taxes themselves.*

1 Geo. IV. c. 7.

and acting in the execution of the said acts in their respective districts, and the several powers, rules, and provisions in the said acts contained, assessing, collecting, granting exemptions from and enforcing accounting for the said duties and compositions (except so far as are herein varied, or for which other provisions are made shall be practised and put in execution by such commission officers respectively, to all intents and subject to the like forfeitures and authorities to enforce and recover the same powers, rules, and provisions, penalties and forfeitures, had been re-enacted and incorporated in and by this act; anything in this act to the contrary notwithstanding."

1 Vict. c. 17.

An additional duty of 10l. per cent. on the duties of assessed taxes granted.

10 Geo. III. c. 43.

12 Geo. III. c. 50.

By 3 Vict. c. 17, s. 8, "upon all assessments made or to be made year commencing on the sixth day of April, 1840, or for any year, of the duties of assessed taxes chargeable or to become chargeable under or by virtue of an act passed in the forty-eighth year of the said king George the Third, intituled 'An Act for repealing the assessed Taxes, and granting new Duties in lieu thereof, and certifying Duties to be consolidated therewith; and also for repealing Duties on Game Certificates, and granting new Duties in lieu thereof to be placed under the Management of the Commissioners for the said king George the Third, intituled 'An Act for granting to certain new and additional Duties of Assessed Taxes, and dating the same with the former Duties of Assessed Taxes in respect of the several matters and things mentioned and the several schedules to the said acts respectively annexed, or by virtue of any other act or acts for altering or reducing any of the said duties or for granting any other duties to be assessed or charged under the said acts or regulations of the said last-recited acts or either of them, or rising compositions to be made for any of the said duties assessed, raised, levied, and paid, unto and for the use of the heirs and successors, in and throughout Great Britain, duty of two shillings for every twenty shillings, and at a rate for any greater or less sum than twenty shillings, of the said former duties and compositions respectively charged in assessment, under or by virtue of any such act or acts in force, which said additional duty shall be computed on the sums assessed or charged for such duties or compositions on each of the several persons named in every such fractional part of one penny of the said additional duty

Commissioners, &c. appointed to put in execution the former acts relating to the duties of assessed taxes as put in execution by the present act with relation to the additional duty thereon.

Sect. 9. "That the commissioners authorized or shall be authorized or appointed to put in execution the said former duties of assessed taxes or any of them, on the amount of which the said additional duty is hereby imposed, shall be commissioners for executing this present act; and that the several surveyors, inspectors, assessors, and collectors respectively appointed or to be appointed to put in execution the said several acts before mentioned, or any of them, shall be surveyors, inspectors, assessors, and collectors to put in execution this present act, according to the respective powers and authorities given to them by the said former acts or any of them; and the said commissioners and other the persons aforesaid, being duly qualified to act in the execution of the said several acts relating to the said former duties of assessed taxes or any of them, shall and they are hereby respectively empowered and required to do all things necessary for putting this act in execution with relation to the said further additional duty hereby imposed in respect of the said duties of assessed taxes, in the like, and in as full and ample a manner as they or any of them are or is authorized to put in execution the said former acts relating to the said duties of assessed taxes, or any matters or things therein respectively contained."

and rules, methods, and directions are expressly varied by and all and every the powers, authorities, rules, directions, forfeitures, clauses, matters, and things contained in any act relative to the said former duties of assessed taxes, or any of in force, and not hereby otherwise provided for, for the computing, recovering, paying, and accounting for the said any former act or acts granted, so far as the same are applicable to the said additional duty by this act imposed, and not repugnant to the directions of this act, shall be in full force, and be duly observed, and put in execution for computing, surcharging, paying, and accounting for the said additional duty by this act, as fully and effectually to all intents and purposes as if the like powers, authorities, rules, directions, penalties, forfeitures, matters, and things were particularly repeated and rehearsed in the body of this present act."

"Provided always, and be it enacted, That nothing in this act shall extend to charge any person with duty in respect of windows or lights which such person shall have made or opened on or before the sixth day of April, 1835, and which under the provisions of an act passed in the fourth and fifth years of the reign of his late majesty King George the Fourth, such person would be entitled to make or open and be free of duty."

Exemption from duty of windows opened since 5th April, 1835, under 4 & 5 W. IV c. 73.

"That upon all assessments made or to be made for the year commencing on the sixth day of April, 1840, or for any subsequent year, in lieu of the duties of assessed taxes now payable under or by any act or acts in force for or in respect of every carriage or more wheels kept for the purpose of being let for hire, or more horses to be used therewith, by any person duly

Duties of assessed taxes reduced on certain carriages kept to be let for hire with horses.

3. *Of the Assessed Taxes themselves.*

licensed to let post horses, and whereon the name or names and place or places of abode of the person or persons so licensed shall be marked or painted, according to the directions of the acts in that case made and provided, and which shall be solely used in such manner that the duty on horses let for hire shall be payable by law in respect of the horse or horses used therewith, and shall be duly accounted for by the delivery of a ticket, according to the directions of the said acts, there shall be assessed, raised, levied, and paid, unto and for the use of her majesty, her heirs and successors, in and throughout Great Britain, the reduced annual duty of three pounds; which said reduced duty shall be assessed, raised, levied, collected, and paid in like manner, and under and subject to the like rules, regulations and conditions, as the said duties now payable as aforesaid: provided always, that the said further additional duty by this act granted shall not be charged upon or in respect of the said reduced duty."

Act to be in force from 14th May, 1840.

Sect. 14. "This act shall commence and be in force from the fourteenth day of May, 1840."

Secondly—THE DUTIES,

With the particular Rules and Exemptions affecting them (a).

We have seen that the 43 Geo. III. c. 161; 48 Geo. III. c. 55; and 52 Geo. III. c. 93, and the subsequent acts, after prescribing the general rules affecting the whole subject, enact *what duties* shall be paid, subject to certain *particular rules* and *exemptions*, in certain schedules, (A.) to (N.), which we will now proceed to consider in the following order: viz.

SCHEDULES to 48 Geo. III. c. 55; and 52 Geo. III. c. 93.

- (A.) On Houses according to Number of Windows, 115.
 - (B.) On Inhabited Houses, 122.
 - (C.) On Servants, 123.
 - (D.) On Carriages, 131.
 - (E.) On Horses, 140.
 - (F.) On Horses not charged under last Schedule, and on Mules, 143.
 - (G.) On Dogs, 150.
 - (H.) On Horse-Dealers, 151.
 - (I.) On Hair-Powder, 152.
 - (K.) On Armorial Bearings, 153.
 - (L.) Game Licences, 154.
 - (M.) Exemptions, 154.
 - (N.) Forms of Certificates, 158.
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(a) See the division of the subject, *ante*, p. 2.

The first three of this list of duties
 ruled by the 6 Geo. IV. c. 7, s. 1,
 takes off the window-tax on
 s having less than eight windows,
 at worth the rent of 5*l.* per an-
Ann., 107.

The duties payable under the 48

Geo. III. c. 55, were reduced to one
moiety, by the 4 Geo. IV. c. 11, s. 2,
post, 116. But to this must be added
 the additional tenth imposed by the 3
 Vict. c. 17, s. 8; (see *ante*, 112). The se-
 cond column shows the present duties
 without the additional tenth.

3. Of the Assessed Taxes themselves.

SCHEDULE (A.), ON WINDOWS—(continued.)

NUMBER OF WINDOWS According to which the Dwelling-House and Offices under-mentioned shall be charged.				Duties to be charged for Windows in every Dwelling- House and Offices in England, Wales, and Berwick-upon- Tweed, 48 G, III. c. 55, Schedule (A.)			Duties as al- tered by sub- sequent Acts (a)		
Windows or Lights.				£	s.	d.	£	s.	d.
40	to	44	do.	28	17	6	14	8	9
45	—	49	do.	31	13	6	15	16	9
50	—	54	do.	34	10	0	17	5	0
55	—	59	do.	37	6	0	18	13	0
60	—	64	do.	39	15	6	19	17	9
65	—	69	do.	42	0	6	21	0	3
70	—	74	do.	44	5	0	22	2	6
75	—	79	do.	46	10	0	23	5	0
80	—	84	do.	48	15	0	24	7	6
85	—	89	do.	51	0	0	25	10	0
90	—	94	do.	53	4	6	26	12	3
95	—	99	do.	55	9	6	27	14	9
100	—	109	do.	58	17	0	29	8	6
110	—	119	do.	63	6	6	31	13	3
120	—	129	do.	67	16	6	33	18	3
130	—	139	do.	72	6	0	36	3	0
140	—	149	do.	76	16	0	38	8	0
150	—	159	do.	81	5	6	40	12	9
160	—	169	do.	85	15	6	42	17	9
170	—	179	do.	90	5	0	45	2	6
180 and upwards		do.		93	2	6	46	11	3
And for every such dwelling-house which shall contain more than 180 windows or lights, for every window or light exceeding the number of 180				0	3	0	0	1	6

One moiety of the duties on windows shall cease.

Stat. 4 Geo. IV. c. 11, s. 2, *ante*, 104, enacts, That from and after the 5th of April, 1823, in England, Wales, and Berwick-upon-Tweed, on all assessments to be made for any year commencing from the day aforesaid one moiety and equal half part of each and every of the duties on window or lights shall respectively cease and determine, and be no longer paid or payable: provided nevertheless, that the duties hereby reduced, and to be hereafter assessed, shall not include any fraction of one penny."

Additional duty of £10 per cent.

Stat. 3 Vict. c. 17, s. 8, *ante* 112, imposes an additional duty of £10 per cent on the above duties.

RULES, in Schedule (A.) 48 Geo. III. c. 55, for charging Windows or Lights.

How chargeable.

"First.—The said several duties to be charged annually in respect of the windows or lights in every dwelling-house, with the household and other offices herein enumerated.

Skylights, &c.

"Second.—All skylights, and all windows or lights, however constructed, in staircases, garrets, cellars, passages, and all other parts of dwelling-houses, to what use or purpose soever applied, and whether such windows or lights shall be in the exterior or interior parts of such dwelling-houses, to be charged to the said duties"(b).

Lights in offices.

"Third.—Every window or light in any kitchen, cellar, scullery, buttery, pantry, larder, washhouse, laundry, bakehouse, brewhouse, and lodging-room belonging to or occupied with any dwelling-house, whether the same shall be

(a) See note (b) in preceding page. light from exterior windows is repealed.
(b) By stat. 6 Geo. IV. c. 7, s. 5, See *ante*, 109.
the duty on interior windows deriving

tenements, for one year, shall be levied upon and paid by the occupiers, landlord or landlords, owner or owners for the time being, or all of them, according to their times of possession thereof, without comment, notwithstanding such change in the occupation of such place, or tenement, for the year that such house shall have been assessed : and, where a tenant of any house, cottage, or tenement, shall quit the same at the determination of the lease or demise thereof, after an assessment made, and shall have given notice thereof to the assessor for the place, the same shall be discharged by the commissioners for executing this act under of that year, in case it shall appear to the said commissioners at the end of such year, that such house, cottage, or tenement shall have been wholly unoccupied for and during the remainder of such year."

-Where any dwelling-house is or shall be let in different apartments, lodgings, or landings, and shall be inhabited by two or more persons, the same shall nevertheless be charged as if such house was inhabited by one person or family only; and the landlord or owner, landlords or owners of such house, apartments or tenements, are or shall be deemed and taken to be the occupier or occupiers of such house, and shall be charged with the same duties: provided, that where the landlord shall not reside within the county, or the same shall remain unpaid by such landlord for the space of thirty days after the same is due, the duties so charged may be levied upon the landlord, or occupiers respectively, and such payment shall be deducted out of the next payment on account of rent" (a).

Houses let in
apartments.
(See XIII.)

1.—Every house, whereof the keeping is or shall be committed or left in the charge of any person or servant, shall be subject to the like duties as if the same were inhabited by the owner or by a tenant; and, if such person or servant shall not pay rates to the church and poor, the said duties shall be paid by the owner or owners of the said house."

Houses left in
charge of servants.

2.—Every distinct chamber or apartment in any of the inns of court, or in any college or hall, in either of the Universities of Oxford or Cambridge, or any public hospital, being severally in the tenure or occupation of one or more persons, shall be subject to the same duties as if the same was a dwelling-house, which duties shall be paid by the occupier thereof respectively; but every such chamber or apartment, which shall not contain more than four windows or lights, shall be charged at the rate of 3s. 6d. for every window or light."

Chambers in inns
of court.

3.—All dwelling-rooms in any hall or office whatever, belonging to any public building, shall be charged at the rate of 3s. 6d. for every room or light."

Rooms in public
buildings.

3. *Of the Assessed Taxes themselves.*

SCHEDULE (A.), ON WINDOWS—(continued.)

Windows lighting two places.

Dimensions of windows.

Distinct tenements. (See VI.)

" Eleventh.—Every window extending so far as to give light into more landings, or stories than one, shall be reckoned and charged as so many windows as there are rooms, landings, or stories enlightened thereby."

" Twelfth.—Every window or light, including the frame, partitions, and sashes thereof, which by due admeasurement of the whole space on the surface of the wall of the house or building, on the outside of such window or light exceed in height twelve feet, or in breadth four feet nine inches, not being less than three feet six inches in height, shall be reckoned and charged as two window lights, except such windows or lights as shall have been made of greater dimensions at any time prior to the fifth day of April, one thousand seven hundred eighty-five; except also the windows or lights in such parts of dwelling-houses as are used for shops, workshops and warehouses, and except the windows or lights in the public room of any house licensed to sell wine, ale, or other liquors by which shall be used for the entertainment of guests; and the windows or lights in farm-houses especially exempted from the duties in the following schedule marked (B.), or in any dwelling-house not chargeable to the duties mentioned in the said schedule."

" Thirteenth.—Where any dwelling-house shall be divided into different tenements, being distinct properties, every such tenement shall be subject to the same duties as if the same were an entire house, which duties shall be payable by the occupiers thereof respectively; provided, that every such tenement in England, Wales, or Berwick-upon-Tweed, which shall not contain more than seven windows or lights, shall be charged at the rate of 3s. 6d. for every such window or light; and every such tenement in Scotland which shall not contain more than seven windows or lights, shall be charged at the rate of 3s. for every window or light."

EXEMPTIONS from the said Duties, in Schedule (A.) of 48 Geo. c. 55 (a).

Royal family; public offices.

" Case I.—Any house belonging to his majesty, or any of the royal family, and every public office for which the duties heretofore payable have been paid out of his majesty, or out of the public revenue."

Hospitals, &c.

" Case II.—Any hospital, charity-school, or house provided for the reception and relief of poor persons, except such apartments therein as are or have been occupied by the officers or servants thereof, which shall severally be assessed and be subject to the said duties as entire dwelling-houses."

Chapels.

" Case III.—The windows in any room of a dwelling-house, licensed as a chapel to law as a chapel for the purposes of divine worship, and used for no other purpose whatsoever:

Proviso for charging hospitals, chapels, &c.

" Provided that every such hospital, charity-school, house for the reception and relief of poor persons, or room licensed as a chapel as aforesaid, shall not be brought into charge by the assessor or assessors, or in their default, by the surveyor or inspector, and shall be stated on the certificate of assessments as exempted, and on due proof of the fact before the commissioners by the assessors it shall be lawful for the commissioners for executing the said act to discharge such hospital, charity-school, house for the reception and relief of poor persons, or room licensed as a chapel, from the said duties, or such part thereof as is intended to be exempted, in like manner as they are authorized to discharge such assessment on poor persons by this act, but not otherwise."

Dairies.

" Case IV.—The windows or lights, in any dairy or cheese-room belonging to, and occupied with any dwelling-house, chargeable with the said duties, or in the same shall be part thereof, which shall be used by such occupier or occupiers for the purpose of keeping butter or cheese, being their own produce, for private use; provided that the windows or lights in such dairies or cheese-rooms shall be made with splines or wooden laths, or iron bars, or wires, and without glass, and that the occupiers of the dwelling-houses to which such dairies and cheese-rooms belong, shall paint or cause to be painted on the outside of such house, are not within the provisions of the 57 Geo. III., but are liable to the duties. (And see *Dryden*, 8 Price, 103, post, 117 (a)).

(a) In *Lake's Case*, 8 Price, 105, it was held, that the windows of the lower room of a dwelling-house, used as an accounting-room, and having no communication with the dwelling part of

thing in the said act to the contrary notwithstanding."

provides, "That all such tenements or buildings, whether wholly for the purposes of trade, or as warehouses for the use of lodging goods, wares, or merchandize therein, or as a counting-house, may be brought into assessment as dwelling-houses in the manner directed by the said act; and every person who shall be relieved from the assessment made in respect of his or her tenement or building used for the purposes of trade, or as a warehouse for the sole purpose of lodging goods, wares, or merchandize, or as a shop or counting-house, by virtue of this act, shall in such notice thereof to the assessor or surveyor of or for the parish or place in which such last-mentioned tenement or building shall be situate, at the same time deliver a declaration in writing, stating the parish or place where the dwelling-house or dwelling-houses, or part of a building used as the residence of him, her, or them, or his, her, or their, or families, are respectively situate; and every assessor or surveyor to whom such notice and declaration shall be delivered, and every assessor or surveyor of the district acting for such parish or place, whether he has received such notice and declaration or not, who shall have notice of such claim being made or to be made, shall upon request, at any time and at all times in the day-time, be admitted to inspect the tenement or building described to be so employed, as well as the premises externally, and shall inquire and examine into the uses and purposes to which the same is or has been employed; and if after any such inspection, made, or before or after allowance thereof, it shall be discovered that the tenement or building hath been employed for any other use than for the purposes of trade, or as a warehouse for lodging goods, wares, or merchandize, or as a shop or counting-house, or that any person doth

But such tenements may be brought into assessment.

Persons claiming relief to give notice.

Tenements to be inspected.

3. *Of the Assessed Taxes themselves.*

SCHEDULE (A.), ON WINDOWS—(continued.)

Mills or places of manufacture, &c., not attached to a dwelling-house, not liable to duty though a servant licensed to guard the same abide therein.

inhabit or dwell therein, except as aforesaid, then on due proof thereof before the said commissioners, they shall and are hereby required to assess and charge the said tenement or building as a dwelling-house to the duties granted by the said act, notwithstanding such claim or any thing hereinbefore contained to the contrary: provided always, that nothing hereinbefore contained shall be construed to impeach or affect any exemption from the said duties expressly contained in the said recited act."

Sect. 4 provides, "That the occupier of any mill or place of manufacture or warehouse, not being part or parcel of any dwelling-house, nor attached or adjoining to any dwelling-house, nor having any internal communication therewith, may by the license in writing of the commissioners of the district signed by them, or any three or more of them assembled at any meeting after due notice given by the occupier of such mill or place of manufacture appoint any one of his or her servants named in such license to watch and guard the said mill, or place of manufacture, or warehouse, in the night time, and that the abiding of such licensed servant therein, for the purpose of watching and guarding the same, shall not render the occupier thereof liable to any of the duties granted by the said recited act."

Exemptions.

From duties on windows in shops or warehouses, in dwelling houses.

By stat. 4 Geo. IV. c. 11, s. 1, after reciting that, "Whereas certain duties were granted to his majesty upon houses, windows, and lights, as set forth in the schedule to the said act annexed, marked (A.)" to stat. 4 Geo. III. c. 55, and that "it is expedient finally to determine certain of the said duties on windows or lights now payable in respect of *shops or warehouses being part of dwelling-houses* occupied by persons in trade," it is enacted, That from and after the fifth day of April, 1823, in that part of Great Britain called England, Wales, and the town of Berwick upon-Tweed; and from and after the twenty-fourth day of May, 1823, in that part of Great Britain called Scotland, for and in respect of and upon all assessments to be made for any year commencing from the respective days and year last aforesaid, so much of the said duties on windows or lights in shops or warehouses, being parts of dwelling houses, chargeable by the said first mentioned act, in respect of any number not exceeding three such windows or lights in any shops or warehouses in the front or fronts, and on the ground or basement story of every dwelling-house occupied by any person or persons in trade, who shall expose to sale or sell any goods, wares, or merchandizes in any such shop or warehouse, hereinbefore respectively and particularly enumerated and described, and all assessments thereon for and in respect of any year commencing from and after the respective days aforesaid, shall severally cease and determine." *Ante*, 104.

Exemption by 57 Geo. III. c. 25, to persons in trade, from house and window duties;

Sect. 8 exempts occupiers of dwelling-houses not having more than six windows and maintaining three children, from the duty, see the enactment, *ante*, 107.

extended to persons using houses under like circumstances as offices or counting-houses in their professions or other callings.

By 5 Geo. IV. c. 44, s. 4, "'Whereas by an act passed in the fifty seventh year of his said late majesty's reign, provision is made for granting exemptions to persons in trade from the duties on houses, windows and lights, and on inhabited houses, in respect of houses, tenements or buildings, or parts of tenements or buildings, used solely by such persons for the purposes of trade, such persons respectively residing in a separate and distinct dwelling-house, or part of a dwelling-house, chargeable to the said duties, as in the said act described: And whereas it is expedient to extend the said exemptions to the cases herein mentioned;' be it further enacted, That upon all assessments to be made for any year commencing from and after the fifth day of April, 1824, the provisions in the said act contained, for granting exemptions from the said duties to persons in trade, in respect of houses, tenements or buildings in the said act described, shall and may be extended and applied by the respective commissioners and officers acting in the execution of the said act and o

3. *Of the Assessed Taxes themselves.*

SCHEDULE (A.), ON WINDOWS—(continued.)

shall be less than equivalent to a farm at the rack-rent of 200*l.* a-year (reckoning the value of every estate occupied by the owner thereof, or any other tenure than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent,) shall be exempt from the duties on windows or lights granted by an act passed in the forty-eighth year of the reign of king George the Third, and specified in the schedule marked (A.) thereto annexed; provided the occupier of such dwelling-house shall not derive any profit or income exceeding 100*l.* a-year from any other source than the said farm or estate so occupied by him as aforesaid."

Extending exemption granted by 57 Geo. III. and 5 Geo. IV. in respect of window duties on houses used solely for trade.

By stat. 2 & 3 Will. IV. c. 113, s. 3, after reciting that by the stat. 5 Geo. III. and the stat. 5 Geo. IV. c. 44, "provision is made for granting exemptions from the duties on houses, windows, and lights, and upon inhabited houses, to persons in respect of tenements or buildings wholly occupied by them in the day-time only for the purposes of their trades or professions, where such persons also reside in a separate and distinct dwelling-house or part of a dwelling-house charged to the said duties; and whereas the exemption under the provisions of the said acts cannot be acquired and granted for a lesser period than the whole year's assessment, and it is expedient to apply the said exemptions to occupiers for parts of the same year in the cases of changes of occupation herein mentioned, it is enacted, "That where any person or persons in the said acts either of them described shall have occupied a tenement or building, or part of a tenement or building, for the uses and purposes allowed by the said exemptions in the said acts contained, for a lesser period than the year of assessment, and for and during any entire quarter or quarters only thereof, it shall be lawful for the respective commissioners, on the exemption for such entire quarter or quarters being duly claimed by notice and declaration in the manner required by the said acts for claiming exemptions for the year of assessment, to discharge the assessors for the entire quarter or quarters of the year for which the said exemptions shall be claimed and established: provided always, that no such claim shall be allowed to any person under this act who shall occupy the same premises as a dwelling-house, and as a tenement or building for the purposes of exemption, at different periods during one year of assessment, nor unless the occupier or occupiers quitting, or the occupier or occupiers commencing the occupation of the premises in the manner allowed by the said exemptions, and who shall seek the benefit of this provision shall, before the quitting or commencement of occupation respectively, give notice thereof to the assessor or surveyor in the manner required by the acts in force for authorizing allowances for parts of the year on changes of occupation" (a).

Exception.

SCHEDULE (B.) ON INHABITED HOUSES.

The duties on inhabited houses under 10*l.* per annum, were by 5 Geo. IV. c. 7, s. 1, reduced to one half, and all duties whatsoever on inhabited houses are entirely repealed from the 5th April, 1841, by 4 Will. IV. c. 19.

(a) *Rex v. Dryden*, 8 Price, 103. The lower part of a small house used as an office, adjoining the dwelling-house of the party, and having an internal communication with the latter, is not exempt from the assessed taxes on windows, as being within the first section

of the 57 Geo. III. c. 25, on the ground of its being used as an office, and for no other purpose. Nor is a room, having no communication with the dwelling-house, if it be part of the house, with the exemption of the statute as being used only for an office. (*Ibid.*)

act, and there shall be more than one room used for such purposes, other of them, in any farm-house in the said act described; provided the exemption for more than two such windows shall not in any be claimed or allowed for any one farm-house; and the further exemption hereby granted shall be claimed and allowed in the manner provided by the said act in the case of one such glazed window."

ct. 6. "Where the whole or part only of any dwelling-house, being farm-house, divided or not divided into distinct tenements, shall be occupied by any labourer or labourers, servant or servants, *bond fide* residing and employed in affairs of husbandry by the occupier or tenant of the farm to which such dwelling-house shall belong, and no part thereof shall be occupied by the occupier or tenant of the said farm, or any other person or persons (except as aforesaid), such dwelling-house, and the landlord, occupier or tenant, shall, during the continuance of the occupation in manner aforesaid, be exempt from any duty payable for such house by the said acts; provided that every such exemption shall be duly claimed by the occupier or tenant of the farm, and proved in the manner directed by the said acts as in other cases of exemption from the said duties."

A farm-house *bond fide* occupied by farm-servants of the farmer, exempt from duty.

7 stat. 4 & 5 Will. IV. c. 73, s. 2, "Every dwelling-house, being a farm-house *bond fide* used for the purposes of husbandry only, and occupied by the tenant of a farm at rack-rent the rent of which farm shall be less than 200*l.* a-year, or occupied by any person who shall be occupier of any estate on any other tenure than as tenant at rack-rent only, or by the occupier of such estate as last-mentioned who shall also be occupier of a farm at rack-rent the value of which in the whole

Farm-houses belonging to farms under 200*l.* a-year exempted from the duties on windows.

3. *Of the Assessed Taxes themselves.*

SCHEDULE (A.), ON WINDOWS—(continued.)

shall be less than equivalent to a farm at the rack-rent of 200*l.* a-year, (reckoning the value of every estate occupied by the owner thereof, or on any other tenure than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent,) shall be exempt from the duties on windows or lights granted by an act passed in the forty-eighth year of the reign of king George the Third, and specified in the schedule marked (A.) thereto annexed; provided the occupier of such dwelling-house shall not derive any profit or income exceeding 100*l.* a-year from any other source than the said farm or estate so occupied by him as aforesaid."

Extending exemption granted by 57 Geo. III. and 5 Geo. IV. in respect of window duties on houses used solely for trade.

By stat. 2 & 3 Will. IV. c. 113, s. 3, after reciting that by the stat. 57 Geo. III. and the stat. 5 Geo. IV. c. 44, "provision is made for granting exemptions from the duties on houses, windows, and lights, and upon inhabited houses, to persons in respect of tenements or buildings wholly occupied by them in the day-time only for the purposes of their trades or professions, where such persons also reside in a separate and distinct dwelling-house or part of a dwelling-house charged to the said duties; and whereas the exemption under the provisions of the said acts cannot be acquired and granted for a lesser period than the whole year's assessment; and it is expedient to apply the said exemptions to occupiers for parts of the same year in the cases of changes of occupation herein mentioned;" it is enacted, "That where any person or persons in the said acts or either of them described shall have occupied a tenement or building, or part of a tenement or building, for the uses and purposes allowed by the said exemptions in the said acts contained, for a lesser period than the year of assessment, and for and during any entire quarter or quarters only thereof, it shall be lawful for the respective commissioners, on the exemption for such entire quarter or quarters being duly claimed by a notice and declaration in the manner required by the said acts for claiming exemptions for the year of assessment, to discharge the assessment for the entire quarter or quarters of the year for which the said exemptions shall be claimed and established: provided always, that no such claim shall be allowed to any person under this act who shall occupy the same premises as a dwelling-house, and as a tenement or building for the purposes of exemption, at different periods during one year of assessment, nor unless the occupier or occupiers quitting, or the occupier or occupiers commencing the occupation of the premises in the manner allowed by the said exemptions, and who shall seek the benefit of this provision, shall, before the quitting or commencement of occupation respectively, give notice thereof to the assessor or surveyor in the manner required by the acts in force for authorizing allowances for parts of the year on changes of occupation" (a).

Exception.

SCHEDULE (B.) ON INHABITED HOUSES.

The duties on inhabited houses under 10*l.* per annum, were by 6 Geo. IV. c. 7, s. 1, reduced to one half, and all duties whatsoever on inhabited houses are entirely repealed from the 5th April, 1841, by 4 Will. IV. c. 19.

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of the 57 Geo. III. c. 25, on the ground of its being used as an office, and for no other purpose. Nor is a room, having no communication with the dwelling-house, if it be part of the house, within the exemption of the statute as being used only for an office. (*Ibid.*)

3. *Of the As-
sessed Taxes
themselves.*

SCHEDULE (C.), SERVANTS—(continued.)

game-keeper, huntsman, whipper-in, or by whatever name or names male servants really acting in any of the said capacities shall be called, or whether such male servants shall have been retained or employed in one or more of the said capacities (except where other duties are imposed by this act on male persons occasionally employed in one or more of the said capacities), and to every such servant let to hire with any carriage or horses for one year, or any longer period; and shall be charged upon the greatest number of such servants which the same person shall have kept at one time in the course of the preceding year, in any of the capacities before mentioned.

Servants in ta-
verns (a).

“ II.—The said duties shall extend to all servants of the capacities before mentioned, employed in taverns, coffee-houses, inns, alehouses, or any other houses licensed to sell wine, ale, or other liquors by retail, and in eating or victualling houses, and in hotels or lodging-houses, being eating and victualling houses, of whatever description, although not licensed, except hostlers and helpers in the stables of such licensed persons, and drivers employed by them to drive their carriages with horses let out to hire, and except waiters” (b).

Gardeners (c).

“ III.—The said last mentioned duties on gardeners shall extend to every gardener who shall have contracted for the keeping of any garden or gardens wherein the constant labour of a person shall be necessary, or where a person shall have been constantly employed therein, to be paid by the person or persons for whose use and in whose garden such gardener or persons shall have been employed, except as hereinafter mentioned.”

Apprentices.

“ IV.—The said duties shall extend to all apprentices retained or employed in any of the capacities aforesaid, save and except such apprentices as shall have been imposed upon any master or mistress under and by virtue of the powers given to magistrates and parish officers by any act or acts of parliament, so as the number of such apprentices for whom this exemption shall be claimed by the same person shall not exceed two, being generally employed in the affairs of husbandry or trade, and occasionally only in any of the capacities herein enumerated, and not wearing livery.”

Gamekeepers (d).

“ V.—The said duties on gamekeepers shall extend to every person retained or employed to kill or preserve game for the use of any other person or persons, whether lawfully appointed to kill or preserve game or not, to be paid by the person or persons retaining or employing such persons respectively, for the use aforesaid; except gamekeepers, being the servants of other qualified persons duly returned by and charged to the said duties as servants of such other persons.”

Coachmen, &c.

“ VI.—The said duties shall extend to every person who shall be employed in the capacity of a coachman, postilion, groom, or helper in the stables, although such person shall have been retained for the purposes of husbandry, or any manufacture or trade, where the master or mistress of such person shall be chargeable with duty for any carriage (other than a taxed cart), or for two or more horses chargeable with the duty on horses kept for the purpose of riding or drawing carriages, as herein mentioned.”

rooms, &c.

“ VII.—The said duties shall extend to every person who shall be employed as a groom, stable-boy, or helper in the stables of the master or mistress, to take care of any horse, mare, or gelding, the property of such master or mistress, kept for the purpose of racing or running for any plate, prize, sum of money, or other thing, or in training for any of the said purposes.”

and wholly maintained and lodged in the house of his employer or employers: provided always, that the cause of every such exemption shall be truly returned and stated in the manner required by the acts in force at the time of passing this act. (See also 3 & 4 Will. IV. c. 39, s. 4, *post*, 127.)

(a) See 3 & 4 Will. IV. c. 39, s. 4, *post*, 127.

(b) This exception is, by 1 & 2 Will. IV. c. 7, extended to stage-coach pro-

prietors for hostlers and helpers in stables not belonging to licensed inns or public houses. See also 3 & 4 Will. IV. c. 39, s. 4, *post*, 127.

(c) The duty on gardeners is repealed by the 4 Geo. IV. c. 11, s. 1, *ante*, 116.

(d) By the 59 Geo. III. c. 118, s. 5, an under-gamekeeper is not assessed as an additional servant, but at 10s. per annum, *ante*, 103.

as a SCHEDULE of the Duties payable annually for MALE PERSONS and other Persons retained or employed in the various capacities therein mentioned. They were enacted by 48 Geo. III. c. 52 Geo. III. c. 93, but were repealed by 4 Geo. IV. c. 11, s. 1,

No. 3.

SCHEDULE of the Duties payable annually for every MALE PERSON retained or employed in the several Capacities herein mentioned, to be chargeable to the Duties in Schedule (C.) No. 1.

For every male person employed in the capacity of, or as a rider or messenger, where the same employer shall keep or employ only one such male person only, the sum of £0 12 0 In addition to the duty of 2 <i>l.</i> 8 <i>s.</i> granted by the act passed in the 48th year of the reign of his present majesty . . .	Moiety of Aggregate Duty (b). £1 10 0	Travellers (a)
Where the same employer shall keep or employ more than one such male person, for each the sum of . . . 1 10 0 In addition to the duty of 3 <i>l.</i> 10 <i>s.</i> granted by the said act . . .	2 10 0	Clerks, &c. (a).
For every male person employed in the capacity of, or as clerk, scrivener, or office-keeper, where the same employer shall keep or employ only one such male person only, the sum of 0 16 0 In addition to the duty of 1 <i>l.</i> 4 <i>s.</i> granted by the said act . . .	1 0 0	
Where the same employer shall keep or employ more than one such male person, for each the sum of . . . 0 12 0 In addition to the duty of 2 <i>l.</i> 8 <i>s.</i> granted by the said act . . .	1 10 0	

Repealed by the 3 & 4 Will. IV. (b) The 4 Geo. IV. c. 11, s. 2, *ante*,
post, 127. 104, takes off the moiety.

3. Of the Assessed Taxes themselves.

SCHEDULE (C.), SERVANTS—(continued.)

Stewards, &c. (a).
Shopmen (a).

For every male person employed in the capacity of, or as a steward, bailiff, overseer, or manager, or clerk under a steward, bailiff, overseer, or manager, the sum of . . . 2 0 0

Moiety
Aggreg
Duty
£1 0

For every male person employed by any person in trade as a shopman, for the purpose of exposing to sale, or selling goods, wares, or merchandize, in such shop or warehouse, whether by wholesale or retail, and every male person employed as a warehouseman, porter, or cellarman in such shop or warehouse, the sum of . . . 0 16 0

1 0

In addition to the duty of 1*l.* 4*s.* granted by the said act . . .
And for every male person so employed, where the duty granted by the said act shall not be chargeable, the annual sum of . . .

1 0

Waiters.

For every male person employed as a waiter to wait on guests in any tavern, coffee-house, inn, ale-house, eating or victualling house, or in any hotel or lodging-house, except occasional waiters, the sum of . . . 0 15 0

1 10

In addition to the duty of 2*l.* 5*s.* granted by the said act . . .
And for every male person so employed, where the duty granted by the said act shall not be chargeable, the sum of . . .

1 10

Occasional waiters (b).

And for every male person so employed as an occasional waiter therein, for the period of six calendar months in any year, the sum of . . .

1 0

And if so employed for a lesser period than six calendar months in any year, the sum of . . .

0 10

And for every male person, not being a servant, employed as an occasional waiter in any private house, not less than six times within the year, the sum of . . .

0 10

Stablekeeper's men (c).

For every male person employed by any stable-keeper, for or in expectation of profit, to take care of any horse, mare, or gelding, kept for the purpose of racing or running for any plate, prize, sum of money, or other thing, or any horse, mare, or gelding in training for any of the said purposes, except servants chargeable as grooms or helpers in stables by schedule (C) No. 1, the sum of . . . 0 16 0

1 0

In addition to the duty of 1*l.* 4*s.* granted by the said act . . .
And for every male person so employed, where the duty granted by the said act shall not be chargeable, the sum of . . .

1 0

Servants in husbandry (d).

For every male person retained for the purposes of husbandry, manufacture or trade, wherein the employer shall seek a livelihood, and at any time employed in any domestic employment, in any of the capacities enumerated in schedule (C.) No. 1, and where the employer shall not be chargeable to the duties in the said schedule, or to any other of the duties in this schedule, in respect of such male person, the sum of . . . £0 4 0

0 5

In addition to the duty of 6*s.* granted by the said act . . .
And for every male person so retained and employed, where the duty granted by the said act shall not be chargeable, the sum of . . .

0 5

Servants in husbandry employed as grooms (d).

For every male person retained for the purposes of husbandry, manufacture or trade, and at any time employed in the capacity of a groom, stable-boy, or helper in the stable, where the master or mistress shall be chargeable for one horse to the duty contained in schedule (E.) No. 1, or to the duty on a taxed cart, and not on any other carriage chargeable with duty by this act, and in respect of which such male person shall not be chargeable to the duties in schedule (C.) No. 1, or to any other of the duties in this schedule, the sum of . . . 0 4 0

0 5

In addition to the duty of 6*s.* granted by the said act . . .

(a) See note (a) preceding page. (c) See 6 Geo. 4, c. 7, s. 1.
(b) Repealed by 6 Geo. IV. c. 7, (d) Repealed by 4 Geo. IV. c. 1, ante, 107; 3 & 4 Will. IV. c. 39, s. 1, ante, 104.
s. 4, post, 127.

SCHEDULE (C.), SERVANTS—(continued.)

3. Of the Assessed Taxes themselves.

And for every male person so retained and employed where the duty granted by the said act shall not be chargeable, the sum of	Moiety of Aggregate Duty.	
	£0	5 0
For every male person employed in any of the capacities enumerated in schedule (C.) No. 1, and not being a servant to his employer or employers, where such employer or employers shall be chargeable to any of the duties contained in schedule (C.) No. 1; or for any carriage to the duties contained in schedule (D.) No. 1 or No. 2, or for more than one horse to the duties contained in schedule (E.) No. 1, the sum of	1	4 0
And where such employer or employers shall not be so chargeable to the said last-mentioned duties, the sum of	0	10 0

Servants.

"The said duties to be paid by the employer or employers of such male persons respectively, and to extend to every body politic or corporate, whether aggregate or sole, and to every society, fraternity, or partnership, although not corporate, employing such male persons, and to every trade, manufacture, or concern whereby the employer shall seek a profit or advantage."

By whom paid.

EXEMPTIONS to Schedule (C.) No. 3.

"Any apprentice bound for the term of seven years, during the term of his apprenticeship and service with his original master or his assignee of the whole term, where no premium or other consideration or value shall have been taken or contracted for with such apprentice."

Apprentices exempted.

Further EXEMPTIONS by subsequent Acts.

The 11 Geo. IV. & 1 Will. IV. c. 35, s. 3, *post.* 130, exempts the employer from duties in this schedule (C.) No. 3, in respect of his sons under twenty-one years.

Sons of employer.

By 3 & 4 Will. IV. c. 39, s. 4, it is enacted, that "The several rates and duties granted by the said act passed in the forty-eighth year of the reign of his said late majesty king George the Third, and also an act passed in the fifty-second year of the reign last aforesaid, intituled 'An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes,' and also an act passed in the second and third year of the reign of his present majesty king William the Fourth, intituled 'An Act to continue until the 5th day of April, 1834, Compositions for the Assessed Taxes, and to grant Relief in certain Cases,' and now payable for male persons employed in the capacities of riders or travellers, and of clerks, book-keepers, or office-keepers, and of stewards, bailiffs, overseers, or managers, or clerks, under stewards, bailiffs, overseers or managers, and of shopmen, warehousemen, porters, or cellarmen, or of grooms, stable-boys, or helpers in the stables, solely and *bonâ fide* employed in their respective trades or businesses by any livery-stable keeper, horse-dealer, postmaster, or any other person licensed by the commissioners of stamps, or by any person under their authority, to let post-horses or carriages for hire or profit, as in the said acts respectively described, shall severally cease and determine: provided also, that where any licensed victualler in the said acts described shall employ one male person only *bonâ fide* and generally to carry out and deliver any beer, ale, or other liquors to customers, such person shall be considered a porter hereby exempt from duty, although he may be occasionally employed to wait on guests."

Duties on travellers, clerks, book-keepers, stewards, bailiffs, overseers, managers, shopmen, warehousemen, porters, or cellar-men, and grooms, &c., of livery-stable keepers, postmasters, &c., occasional waiters, &c., to cease. 48 Geo. III. c. 5. 52 Geo. III. c. 9. 2 & 3 W. IV. c. 113.

3. *Of the Assessed Taxes themselves.*

SCHEDULE (C.), ON SERVANTS—(continued.)

No. 4.

A SCHEDULE of the Duties payable on SERVANTS let to Hire

Coachmen, &c.,
let to hire.

For every coachman, groom, postilion, or helper, kept for the purpose of being let to hire for any period of time less than one year, and in such manner that the Stamp-office duty payable by law on horses let to hire shall not be payable by any post-master, inn-keeper, or other person, duly licensed to let post-horses by the commissioners for managing the duties on stamped vellum, parchment, and paper, or by any coachmaker or maker of such carriages, or other person, the annual sum of

Moiety
Aggreg
Duty (

£1 5

£0 6 0

In addition to the duty of 2*l.* 4*s.* granted by the said act,
[48 Geo. III. c. 55.]

Stage-coachmen.

And for every coachman kept for the purpose of driving any public stage-coach or carriage, for the purpose of conveying passengers for hire to and from different places, and for every person employed as a guard to such stage-coach or carriage, the annual sum of

1 5

The said last-mentioned duties to be paid by the employer or employers of such persons, respectively.

By whom paid.

The said duties to be paid by the person or persons keeping such public coaches or carriages, or letting to hire such coachmen, grooms, postilion helpers; provided, that if the person or persons hiring any such coach, groom, postilion, or helper, shall not make a return thereof according to the directions of the said acts in force, as aforesaid, then and in every such case a progressive duty made payable by the said act of 48 Geo. III. c. 55, and then as set forth in the respective schedules of the said acts, marked (C.) I shall be chargeable in respect of every such servant on the person or persons hiring such servant, and making such default as aforesaid, according to the number of servants employed by him, her, or them, in the manner directed by the said act.

EXEMPTIONS from the last-mentioned Duties, as set forth in Schedule (C.) No. 1 and 2 (c).

Servants in husbandry.

" I.—The said duties not to be payable by any person who shall have retained or employed *bond fide* any male servant solely for the purposes of husbandry, manufacture, or of any trade or calling by which the master or mistress of such servant shall earn a livelihood or profit, and who hath not at any time or season, or in any manner, or for any purpose, been employed in any of the cities enumerated in schedules (C.) No. 1 and 2, nor in any of the places enumerated in schedule (C.) No. 3 and 4, whereon any duty is specifically payable."

College, &c.,
servants.Royal family's
servants.

" II.—The said duties not to be payable by any college or hall within the walls of the universities of Oxford or Cambridge, or the several colleges of Westminster, Eton, or Winchester, for any butler, manciple, cook, gardener, or porter by any of the royal family, for any servant acting in any of the capacities aforesaid."

Hospital servants.

" III.—The said duties not to be payable by any of the royal hospitals of St. Christ, St. Bartholomew, Bridewell, Bethlehem, St. Thomas, in the city of London, and borough of Southwark, or Guy's, or the Foundling Hospital.

Officers' servants.

" IV.—The said duties not to be payable by any officer hereinafter described retaining or employing as a servant one male person only; that is to say, by any officer serving in any regiment of horse or dragoons under the

(a) With respect to livery stable keepers, &c., letting servants to hire, see the regulations thereon, *post*, 136.

(b) These duties were reduced to a moiety by 4 Geo. IV. c. 11, *ante*, 104.

An additional £10 per cent. is added by the 3 & 4 Vict. c. 17, s. 8, *ante*.

(c) The duties in No. 1 are repealed by the 4 Geo. IV. c. 11, *ante*, 104.

ner directed by stat. 43 Geo. III. c. 161, s. 36, *ante*, p. 84).
 Reciting that by the said acts "certain further duties over and
 other duties therein mentioned are granted and made payable
 male servant retained or employed in any of the capacities men-
 schedule (C.) No. 1, to the said acts respectively annexed, by
 person never having been married," enacts, "That the said
 additional duties so granted and made payable as aforesaid by
 an account of the person retaining or employing any such male
 never having been married, shall cease to be paid or payable for
 of any male servant retained or employed by any priest of
 Catholic faith who shall have duly taken and subscribed the
 declarations required by law; provided such priest shall duly
 of all such servants retained or employed by him, and shall
 ter B. to the signature of his name to every such list, in like
 other persons never having been married, are required by the
 ce to denote the same by adding the said letter B. to their sig-
 such lists as aforesaid, and provided such exemptions shall be
 ed in the manner hereinafter directed" (*i. e.* in the manner
 stat. 43 Geo. III. c. 161, s. 36, *ante*, 84).

Roman Catholic
 clergymen ex-
 empted from the
 additional duties
 granted in respect
 of bachelors' ser-
 vants.

§ Will. IV. c. 64, s. 17, reciting, "And whereas under and by
 an act passed in the fifty-second year of the reign of king
 Third, intituled 'An Act for granting to His Majesty certain
 additional Duties of Assessed Taxes, and for consolidating the
 the former Duties of Assessed Taxes,' exemption from the
 ble for male servants retained or employed in the several ca-
 mentioned in schedule (C. Numbers 1 and 2, to the said act

Exemption grant-
 ed to certain offi-
 cers by 52 Geo. III.
 c. 93, sched. (C.)
 for one male ser-
 vant, being a sol-
 dier, extended to
 such number of
 servants, being

3. Of the Assessed Taxes themselves.

SCHEDULE (A.), ON WINDOWS—(continued.)

Mills or places of manufacture, &c., not attached to a dwelling-house, not liable to duty though a servant licensed to guard the same abide therein.

inhabit or dwell therein, except as aforesaid, then on due proof thereof before the said commissioners, they shall and are hereby required to assess and charge the said tenement or building as a dwelling-house to the duties granted by the said act, notwithstanding such claim or any thing hereinbefore contained to the contrary: provided always, that nothing hereinbefore contained shall be construed to impeach or affect any exemption from the said duties expressly contained in the said recited act."

Sect. 4 provides, "That the occupier of any mill or place of manufacture or warehouse, not being part or parcel of any dwelling-house, nor attached or adjoining to any dwelling-house, nor having any internal communication therewith, may by the license in writing of the commissioners of the district signed by them, or any three or more of them assembled at any meeting after due notice given by the occupier of such mill or place of manufacture appoint any one of his or her servants named in such license to watch and guard the said mill, or place of manufacture, or warehouse, in the night time, and that the abiding of such licensed servant therein, for the purpose of watching and guarding the same, shall not render the occupier thereof liable to any of the duties granted by the said recited act."

Exemptions.

From duties on windows in shops or warehouses, in dwelling houses.

By stat. 4 Geo. IV. c. 11, s. 1, after reciting that, "Whereas certain duties were granted to his majesty upon houses, windows, and lights set forth in the schedule to the said act annexed, marked (A.)" to stat. Geo. III. c. 55, and that "it is expedient finally to determine certain of the said duties on windows or lights now payable in respect of shops and warehouses being part of dwelling-houses occupied by persons in trade," it is enacted, That from and after the fifth day of April, 1823, in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed; and from and after the twenty-fourth day of May, 1824, in that part of Great Britain called Scotland, for and in respect of all assessments to be made for any year commencing from the respective days and year last aforesaid, so much of the said duties on windows or lights in shops or warehouses, being parts of dwelling-houses, chargeable by the said first mentioned act, in respect of a number not exceeding three such windows or lights in any shop or warehouses in the front or fronts, and on the ground or basement story of every dwelling-house occupied by any person or persons in trade, who shall expose to sale or sell any goods, wares, or merchandizes in such shop or warehouse, hereinbefore respectively and particularly enumerated and described, and all assessments thereon for and in respect of any year commencing from and after the respective days aforesaid, shall severally cease and determine." *Ante*, 104.

Exemption by 57 Geo. III. c. 25, to persons in trade, from house and window duties;

Sect. 8 exempts occupiers of dwelling-houses not having more than six windows and maintaining three children, from the duty, see the *enactment*, *ante*, 107.

extended to persons using houses under like circumstances as offices or counting-houses in their professions or other callings.

By 5 Geo. IV. c. 44, s. 4, "Whereas by an act passed in the seventh year of his said late majesty's reign, provision is made for granting exemptions to persons in trade from the duties on houses, windows, and lights, and on inhabited houses, in respect of houses, tenements, buildings, or parts of tenements or buildings, used solely by such persons for the purposes of trade, such persons respectively residing in a separate and distinct dwelling-house, or part of a dwelling-house, chargeable to the said duties, as in the said act described: And whereas it is expedient to extend the said exemptions to the cases herein mentioned; it is further enacted, That upon all assessments to be made for any year commencing from and after the fifth day of April, 1824, the provision in the said act contained, for granting exemptions from the said duties to persons in trade, in respect of houses, tenements or buildings in the said act described, shall and may be extended and applied by the respective commissioners and officers acting in the execution of the said act and

dwelling-house charged to the said duties; provided nevertheless, exemption herein authorised shall not extend to any chamber or room in any of the inns of court or of Chancery, or to any college or other of the universities of Oxford or Cambridge, now chargeable of the said duties; and the said exemptions hereby authorised shall be claimed and allowed on due proof, and the assessments thereupon shall be made by the same rules, and in like manner and form, as are allowed and act to persons in trade; and all and every the provisions in this act contained shall be observed, followed and practised by the commissioners, inspectors, surveyors, assessors, and other officers in the said act described, in granting exemptions and discharges under the provisions of this act, to all intents as if such act formed part of the said act passed in the fifty-seventh year, anything herein contained to the contrary notwithstanding.

Exemption not to extend to chambers in inns of court or colleges in the universities.

6 Geo. IV. c. 7, s. 4, "The exemption from duty granted by and in the fifty-seventh year of the reign of his late majesty, for one glazed window in any room used as a dairy or cheese-room in any dwelling-house, in the said act described, shall and is hereby to extend, from and after the 5th day of April, 1825, to any one glazed window made with glass in any dairy, and to any one such like window made with glass in any cheese-room, where such rooms shall be and there shall be more than one room used for such purposes, of them, in any farm-house in the said act described; provided exemption for more than two such windows shall not in any case be claimed or allowed for any one farm-house; and the further exemption hereby granted shall be claimed and allowed in the manner by the said act in the case of one such glazed window."

The exemption for one glazed window in the dairy or cheese-room of a farm-house, by 57 Geo. III. c. 25, extended to two such windows in certain cases.

i. "Where the whole or part only of any dwelling-house, being a house, divided or not divided into distinct tenements, shall be occupied by any labourer or labourers, servant or servants, *bond fide* residing and employed in affairs of husbandry by the occupier or tenant of the farm to which such dwelling-house shall belong, and no part of the house shall be occupied by the occupier or tenant of the said farm, or other person or persons (except as aforesaid), such dwelling-house and the landlord, occupier or tenant, shall, during the continuance of the occupation in manner aforesaid, be exempt from any duty payable on such house by the said act: provided that every such

A farm-house *bond fide* occupied by farm-servants of the farmer, exempt from duty.

3. Of the Assessed Taxes themselves.

riages and horses reduced in certain cases.

SCHEDULE (D.), CARRIAGES—(continued.)

schedule (D.) now in force and chargeable for carriages with four wheels and for carriages with less than four wheels, and also the duties deemed in schedule (E.) of the said acts now in force on horses, mares, geldings or mules, next hereinafter described, there shall be charged, for any year commencing from and after the said fifth day of April, 1830, the said reduced duties following, and which reduced duties shall be assessed, raised, levied, collected, and accounted for in like manner as the duties now in force; that is to say,

Four-wheel carriages drawn by ponies;	For every carriage with four wheels, each being of less diameter than thirty inches, where the same shall be drawn by a pony or ponies, mule or mules, exceeding twelve hands, and neither of them exceeding thirteen hands in height, the annual sum of	£ 3
or drawn by one horse.	And for every carriage with four wheels, described in the said schedule (D.) No. 1, drawn by one horse, mare, gelding, or mule, and no more, the annual sum of	4 1
Carriages used by common carriers in conveyance of goods, and occasionally passengers, where the Stamp-office duty is not payable;	And for every carriage with four wheels, described in the said schedule (D.) No. 1, or No. 2, used by any common carrier principally and <i>bond fide</i> for and in the carriage of goods, wares, or merchandize, by which he or she shall seek a livelihood, where such carriage shall be occasionally only used in the conveyance of passengers for hire, and in such manner that the Stamp-office duty, or any composition for the same, shall not be payable under any licence by the commissioners of stamps, the annual sum of	2 1
	And where such carriage last aforesaid shall have less than four wheels, the annual sum of	1
and horses drawing such carriages.	And for each and every horse, mare, gelding, or mule, used by any common carrier in drawing any such last-mentioned carriage respectively, there shall not by reason thereof be charged any other or higher duty than the duty payable by schedule (F.) of the said acts."	

No. 2.

Carriages with less than four wheels.	For carriages <i>with less than four</i> wheels of the descriptions mentioned in the acts passed in the 48th (a) and 50th (b) years of the reign of his present majesty :	
	For every <i>such</i> carriage, except such carriages for or in respect of which other duties are herein imposed, the annual sum of	0 12 0
	In addition to the duty of 5 <i>l.</i> 18 <i>s.</i> granted by the said acts of the 48th and 50th years of the reign of his present majesty	3
	And for every such carriage, where the duty granted by the said acts shall not be chargeable, the annual sum of	3
	And for every such carriage, drawn by <i>two or more</i> horses, mares, geldings, or mules, the annual sum of	0 15 0
	In addition to the duty of 8 <i>l.</i> 5 <i>s.</i> granted by the said acts	4 1
	And for every additional body kept, to be successively used on the same carriage or wheels, the further annual sum of	0 7 0
	In addition to the duty of 2 <i>l.</i> 16 <i>s.</i> granted by the said act	1 1

RULES for Charging the said Duties in the Two foregoing Schedules Nos. 1 and 2.

" I.—The said duties to be respectively charged for every coach, berlin, chariot, calash, chaise-marine, chaise, sociable, or caravan, with four wh

(a) 48 Geo. III. c. 55. (c) See note (a), ante, 130.
(b) 50 Geo. III. c. 104.

Duties and the additional Duties.

"1.—The said last mentioned duties to be paid by the master or mistress of such servants respectively, and to extend to and be payable for every male servant retained or employed in any of the following capacities: that is to say, *maitre d'hôtel*, house steward, master of the horse, groom of the chamber, valet de chambre, butler, under-butler, clerk of the kitchen, confectioner, cook, house porter, footman, running footman, coachman, groom, postilion, stable boy, or *helper in the stables* (c) of the master or mistress, gardener, park-keeper,

To what servant extended.

a, The 4 & 5 Will. IV. c. 73, s. 3, *post*, 129, exempts the payment of duties for male servants, under eighteen years of age, after the 6th of April, 1834; and s. 11 provides how exemption to be claimed.

b, The 4 & 5 Will. IV. c. 73, s. 4, exempts Roman Catholic clergymen from additional duties payable in respect of bachelor's servants, *post*, 129.

(c, But by stat. 59 Geo. III. c. 118, s. 2, it is enacted, that the duties imposed by the several acts for charging assessed taxes in Great Britain for every male person employed by any person in the capacity of a *groom*, *stable-boy*, or *helper in the stables*, shall cease and determine from and after the passing of this act, upon every assessment made or

to be made after the 5th day of April, 1819, in respect of every person, being the son of the employer or employers, or one of them, occasionally resident with his parent or parents, and so employed by him, her, or them, during such occasional residence only; (see stat. 11 Geo. IV. & 1 Will. IV. c. 35, s. 3, *post*, 124,) and in respect of every male person so employed, under the age of *fifteen years*, and wholly maintained and lodged in the house of his employer or employers, and in respect of every male person so employed, being of the age of *fifteen years* or upwards, and bound an apprentice to his employer or employers, or assigned to him, her or them, until such apprentice shall arrive at the age of twenty-one years or upwards,

3. Of the Assessed Taxes themselves.

SCHEDULE (D.), CARRIAGES—(continued.)

or owners, or any other person or persons, for hire or profit, but kept common stage cart, and used truly and without fraud in the affairs of bandry, or in the carriage of goods, or in the course of trade, although occasionally for the purpose of riding therein; provided that every such mon stage cart shall have the christian and surname or names, and resid occupation, or calling of the owner or owners, and also the words "con stage cart," painted thereon in the same manner as is hereinbefore pres with respect to the carriage and exemption No. 1.

No. 3.

Carriages hired.

For carriages hired for any period of time less than one year, or kept to be let to hire, or to carry passengers.	Mole
For every carriage kept for the purpose of being let to hire, without horses to be used therewith, by any coachmaker, or maker of such carriages, where such carriages shall have four wheels, the annual sum of 0 15 0	Aggr
In addition to the duty of 11l. 5s. granted by the said act passed in the 48th year of the reign of his present majesty	Duty
And where such carriages shall have less than four wheels, the like sums mentioned in schedule (D.) No. 2 of this act.	payal
	6 0

Chaises hired.

For every carriage kept for the purpose of being let to hire, with horses to be used therewith, by any postmaster, innkeeper, or other person duly licensed to let post-horses, by the commissioners for managing the duties on stamped vellum, parch- ment, and paper, and whereon the name or names, and place or places of abode, of the person or persons so licensed shall be marked or painted, according to the directions of the acts in that case made and provided, and in such manner that the Stamp-office duty shall be payable by law in respect of the horses let therewith, and shall be duly accounted for by the delivery of a ticket, according to the directions of the said acts, where such carriage shall have four wheels, the annual sum of 1 1 0	
In addition to the duty of 9l. 9s. granted by the said act of the 48th year of the reign of his present majesty	
And if such carriage shall have less than four wheels, the respective sums mentioned in schedule (D.) No. 2, in addition to the duties respectively granted thereon, by the said acts passed in the 48th and 50th years of the reign of his present majesty.	
	5 5

Stages.

For every coach, diligence, caravan, or chaise, with four wheels or more, or other carriage with four wheels or more, by whatever name the same shall be called or known, which shall be kept and employed as a public stage coach or carriage, for the purpose of conveying passengers for hire to and from different places, and which shall be duly entered as such with the said commissioners of stamp duties, the like annual sum of 1 1 0	
In addition to the duty of 9l. 9s. granted by the said act passed in the 48th year of the reign of his present majesty	
	5 5

Proviso.

The said last-mentioned duty to be paid by the person or persons ke the same for the purposes aforesaid.
Provided, if a due return thereof shall not be made by the hirer or according to the directions of the said acts relating to the said present d the progressive duty made payable by the said act of the 48th Geo. III.

(a) Only a moiety of the aggregate IV. c. 11, s. 2, ante, 104; but a duties is now payable as above; 4 Geo. is added by 3 Vict. c. 17, s. 8.

3. *Of the Assessed Taxes themselves.*

Carriages, &c., conveying prisoners or paupers exempted from duties of assessed taxes.

Drivers of carriages let to hire by persons licensed to let horses for hire exempted.

SCHEDULE (D.), CARRIAGES—(continued.)

Sect. 3. "And be it enacted, That no carriage of any description whatsoever, nor any horse or horses drawing the same, nor any person employed to drive such horse or horses, shall be charged or chargeable with any of the duties of assessed taxes on account or by reason of carriage being used for hire or profit, or otherwise, in conveying prisoner or prisoners to or from any prison, or in conveying any prisoner or paupers at the expence of any parish, township, or union, or of any person who may have contracted with any parish, township, or union for the conveyance of paupers."

Sect. 4. "And whereas by the said act passed in the fifty-second year of the reign of his majesty king George the Third, schedule (C.) Number 1, the duties thereby granted and made payable for male servant employed in any of the capacities therein mentioned, except, amongst others, the drivers employed by persons licensed to sell wine, ale, or other liquors by retail to drive their carriages with horses let out to hire; and it is expedient to grant relief from such duties for all such drivers, whether employed by such licensed persons or not; be it therefore enacted, That upon all such assessments as are made by law in respect of the said last-mentioned duties shall not be charged or chargeable upon any driver employed by any person duly licensed to let horses for hire to drive his carriage or carriages with a horse or horses let out to hire, in such manner that the duty on horses let for hire shall be paid by law in respect of the horse or horses so let out to hire with every carriage."

1 Vict. c. 61.

By the 1 Vict. c. 61, after reciting that, "by several acts passed respectively in the forty-third, forty-eighth, and fifty-second years of the reign of king George the Third, certain duties of assessed taxes were granted and made payable in respect of carriages with less than four wheels, and by the same acts respectively certain lower rates of the duties were made payable in respect of certain inferior descriptions of such carriages called 'taxed carts,' provided the owner's christian name and surname and place of abode, and other particulars in the said acts respectively mentioned, should be painted on such carriages in the manner therein mentioned, in words at full length, each of the letters therein being at least one inch in length and of a breadth in proportion thereto; whereas by an act passed in the fourth year of the reign of king George the Fourth the said carriages called 'tax carts,' having such particulars so painted thereon as aforesaid, were wholly exempted from the duties: and whereas by an act passed in the third and fourth years of the reign of his late majesty king William the Fourth the duties on assessed taxes were repealed in respect of certain other inferior carriages with less than four wheels, provided such carriages were built and constructed in the manner specified in the said last-mentioned act, and provided every such carriage shall have the christian name and surname or name and place of abode, occupation or calling of the owner or owners, marked and painted thereon in Roman characters, and in words at full length, each of the letters being at least one inch in height, and of a proper and proportionate breadth: and whereas by an act passed in the sixth and seventh years of the reign of his said late majesty a further exemption was granted from the said duties of assessed taxes in respect of certain other carriages with less than four wheels, provided, amongst other things, that every such carriage respectively should have the christian name and surname and place of abode, and occupation or calling of the owner and of every one thereof, painted in words at full length, and in legible and conspicuous Roman letters or characters, two inches at the least in height, and of a proportionate breadth, upon the outside of such carriage, in manner therein mentioned: and whereas it is expedient to extend the said last-mentioned exemption in cases where such letters or characters so painted as aforesaid shall be of a less height than two inches, pro-

3. *Of the As-
sessed Taxes
(Armsmen.)*

SCHEDULE (D.). CARRIAGES—(continued.)

stance, or any composition of iron, steel, or other metallic substance, the respective sums mentioned in schedule (D.) No. 2, in addition to the respective duties granted by the said acts passed in the 48th and 50th years of the reign of his present majesty, on carriages with less than four wheels.

All which duties in respect of carriages herein mentioned shall be charged upon and paid by the person or persons keeping the same respectively.

Exception.

Save and except always all carriages built and constructed as aforesaid, belong to any person or persons who are or shall be liable to be assessed to the before-mentioned duties in respect of a four-wheeled carriage, or who are or shall be liable to be assessed to the before-mentioned duties on male servants, contained in schedule (C.) No. 1. in respect of two such male servants; which persons respectively shall be charged for such carriages, although built and constructed as aforesaid, at the rate prescribed in the respective schedules marked (D.) No. 2, of the act of the 48th Geo. III. c. 55, and this act, for carriages with less than four wheels.

By the 50 Geo. III. c. 104, sect. 4, the makers of taxed carts are to return their names, and to keep accounts of carts sold.

By the 4 Geo. IV. c. 11, the makers of taxed carts need not return the owner's name, &c. thereon, before delivery.

EXEMPTIONS from the several Duties in Schedule (D.) Nos. I., II., and IV.

Royal family.

"Case 1.—Any carriages belonging to his majesty, or any of the royal family."

Hackney-coaches.

"Case 2.—Any coach or coaches, licensed by the commissioners for hackney-coaches within the cities of London and Westminster, and the suburbs thereof, to be used as hackney-coaches there, and numbered according to law."

Coachmakers.

Carriages for sale.

"Case 3.—Any carriage kept by any coachmaker or maker of carriages any time after the 5th day of April, 1811, and let out for the purpose of sale, or of being lent to any person whose carriage being of the same denomination and description, shall be then making, mending, or repairing, by such coachmaker or maker of carriages, and during the time the same shall be necessarily in repair; provided such carriage shall not at any time, whilst in the possession of such coachmaker or maker of carriages, be employed for his or her own use, or let to hire, or otherwise lent than as aforesaid."

Carts.

"Case 4.—Any common stage cart which shall be kept, truly and without fraud, to be used wholly in the affairs of husbandry or in the carriage of goods in the course of trade, and whereon the name and place of residence of the owner, and the words 'common stage cart' shall be legibly painted, although the owner, or his or her servant, shall or may, for the purpose of driving or conducting the same only, occasionally ride therein or thereon when laden, or returning from any place to which, or when going to any place from which a load shall have been or shall be to be carried in such cart, in the course of husbandry or trade; or which shall be used for conveying the owners thereof, their families to or from any place of divine worship on Sunday or on Christmas Day, or on Good Friday, or on any day appointed for a public fast or thanksgiving; or for carrying persons going to or returning from the election of members to serve in parliament; in case such carriage shall not have been previously used for any other purpose of riding thereon or therein, save as aforesaid, or shall not have been or be let to hire, for any of such purposes of riding thereon."

3. Of the Assessed Taxes themselves.

SCHEDULE (D.), CARRIAGES—(continued.)

Provisions respecting the Payment of the various Duties Carriages.

Provisions respecting the various duties on carriages.

By the 43 Geo. III. c. 161, s. 27, persons who have kept any carriages in the year ending on the days appointed for the commencement of duties in 1804, are to return certain lists to the assessors. See section, ante, p. 80.

Sect. 39 points out the proceedings where persons keeping carriages have no fixed residence. See the section, ante, p. 85.

Sect. 43 enacts, that coachmakers, &c., shall keep accounts of carriages built, or sold by auction or on commission. See the section, ante, p. 86.

Sect. 44 states that proper forms for such accounts are to be had at the Tax-office, ante, p. 87.

Sect 45 directs assessors, &c., to whom coachmakers, or sellers of carriages, shall deliver accounts, to certify the same to commissioners, ante, p. 88.

1 Vict. c. 61. Carriages need not be described in the accounts and returns of coachmakers and others, otherwise than by the number of wheels thereof.

By 7 Will. IV. & 1 Vict. c. 61, sect. 2. "And whereas by the acts in relation to the duties of assessed taxes all coachmakers and makers of carriages, and all sellers of carriages by auction or on commission, and all persons letting to hire any carriages, are respectively required to enter in an account of all carriages by them respectively built and constructed for sale, or sold or let to hire, containing, amongst other particulars, a description of every such carriage, distinguishing the number of wheels of each; and all such persons as aforesaid are also required to deliver a copy in writing of every such entry, verified on oath or affirmation, to the assessor or assessors of the parish or place in which they respectively reside, or to the surveyor or inspector of the said duties (a): and whereas the describing of such carriages has been found to be attended with difficulty and inconvenience to the persons required to make such entries, it is enacted, "That in any such entry as aforesaid it shall not be necessary to describe any carriage further or otherwise than by stating the number of wheels thereof."

SCHEDULE (E.)

No. 1.

On horses, &c. kept for hire or carriages.

A SCHEDULE of the Duties payable annually for all Horses, MARES, and GELDINGS, kept by any Person or Persons for the purpose of RIDING, or for the purpose of DRAWING any Carriage chargeable with Duty by SCHEDULE (D.)"

NUMBER THEREOF.				By the 48 Geo. 3, c. 55.	Added by the 52 Geo. 3, c. 93.	Mole Duty payable
				£ s. d.	£ s. d.	£ s. d.
For 1 horse, mare, or gelding				2 13 6	0 4 0	1 17 6
2 do. each horse, &c.				4 9 6	0 5 0	2 14 6
3 do. . . do.				4 18 6	0 6 0	2 14 6
4 do. . . do.				5 2 0	0 8 0	2 14 6
5 do. . . do.				5 3 0	0 8 6	2 14 6
6 do. . . do.				5 7 6	0 8 6	2 14 6
7 do. . . do.				5 10 0	0 9 6	2 14 6
8 do. . . do.				5 10 0	0 9 6	2 14 6
9 do. . . do.				5 12 0	0 9 6	3 0 0
10 do. . . do.				5 17 6	0 9 6	3 0 0

(a) See the enactment 43 Geo. III. c. 161, s. 43, ante, 87. pealed, ante, 104. A tenth is, however, added to the amount of existing duties.

(b) By the 4 Geo. IV. c. 11, s. 2, a moiety of the aggregate duty was repealed, by 3 Vict. c. 17, s. 8.

3. *Of the Assessed Taxes themselves.*Farms under 70*l.* a-year at rack-rent.

Horse for taxed cart.

Proviso.

Further exemptions.

SCHEDULE (E.)—(continued.)

of taxes ; provided such one horse, mare, or gelding, shall not on any other purpose, save as aforesaid."

" II.—Any person occupying a farm as tenant at rack-rent, the rent shall be less than 70*l.* a-year, and making a livelihood solely thereby, or person occupying any estate on any other tenure than as tenant at rack-rent, or such estate, together with a farm at rack-rent, the value of the whole, shall be less than equivalent to a farm at the rack-rent of (reckoning the value of every estate occupied by the owner thereof, on any other tenure other than as tenant at rack-rent, as equivalent to double the value of the like farm at rack-rent), and making a livelihood solely by such estate or by such estate and farm jointly, for one horse, mare, or gelding kept and usually employed for the purpose of husbandry on his farm, although used occasionally for the purpose of riding."

" III.—Any person occupying a farm as tenant at rack-rent, and making a livelihood solely thereby, or any person carrying on a trade, and making a livelihood solely thereby, or making a livelihood by such occupation and trade, or any ecclesiastical person not possessed of an annual income of upwards of 100*l.*, whether arising from any ecclesiastical preferment or other source, for one horse, mare, or gelding, used only for the purpose of drawing a cart with less than four wheels, liable to the duty hereby made payable on carts."

" Provided always, that in every such case the said horse, mare, or gelding shall be duly returned, and the exemption hereby granted shall be duly enjoyed in the manner and at the time directed by this act."

See, further, exemptions in favour of *husbandry horses* on certain occasions occasionally used for riding, and in relation to horses used by carts, &c. Geo. IV. & 1 Will. IV. c. 35, ss. 3 and 4, *ante*, 130 ; afterwards by 4 & 5 Will. IV. c. 73, s. 6, *post*, 149, as to exemption of occupiers of farms under 200*l.* a-year, and exemption extended to occupiers of farms under 500*l.* a-year ; and the exemption is further explained and extended by the 5 & 6 Will. IV. c. 64, s. 16. See the enactment, *post*, 149.

See 3 & 4 Will. IV. c. 39, s. 6, exempting horses employed by gardeners from the payment of duty, *post*, 148.

No. 2.

Horses let to hire.

"A SCHEDULE of the Duties payable on Horses let to Hire."

<p>" For every horse, mare, or gelding, kept for the purpose of riding, or of drawing any carriage liable to duty by this act, and let to hire in any manner so that the Stamp-office duty payable by law on horses let to hire shall not be payable, the annual sum of 0 4 0</p> <p>In addition to the duty of 2<i>l.</i> 13<i>s.</i> 6<i>d.</i> granted by the act passed in the 48th year of the reign of his present majesty.</p>	<p>Mc no £</p>
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" To be charged on the person or persons letting the same ; provided that no return thereof shall not be made by the hirer or hirers, according to the provisions of the progressive duty made payable by the said act of the 48th Geo. III. c. 12, s. 1, this act, as set forth in the respective schedules of the said acts made by the 4 & 5 Will. IV. c. 73, s. 6, No. 1, shall be chargeable in respect of every such horse, mare, or gelding, and the person or persons hiring the same, and making such default as to return, shall be subject to the provisions contained in this act concerning the same.

No. 3.

"A SCHEDULE of the Duties payable on RACE-HORSES."

Race-horses.

<p>" For every horse, mare, or gelding, <i>bona fide</i> kept for the purpose of racing or running for any plate, prize, or sum of money, or other thing, or kept in training for any of the said purposes, whether in the stables of the proprietor or proprietors, or of any other person or persons, the annual sum of 0 4 0</p> <p>In addition to the duty of 2<i>l.</i> 13<i>s.</i> 6<i>d.</i> granted by the act passed in the 48th year of the reign of his present majesty.</p>	<p>A</p>
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(a) By the 4 Geo. IV. c. 11, s. 2, a moiety of the aggregate duty was repealed, *ante*, 104 ; but a tenth moiety of the aggregate duty was retained, as in other cases, by 3 Vict. c. 10, s. 1.

3. *Of the Assessed Taxes themselves.*

On appeal, tenants coming into occupation at or after Midsummer, discharged from moiety of annual assessment.

SCHEDULE (F.)—(continued.)

Sect. 8. "That any tenant coming into the occupation of a farm at or after Midsummer in any year, may appeal to the commissioners for executing this act, and on proof, to their satisfaction, that he or she shall not have kept or used any horses, mares, or geldings, or her used in the cultivation of the said farm prior to his or her coming into the occupation of such farm, shall be entitled to be discharged from one moiety of the annual assessment payable on the said horses, mares, or geldings."

- By the 1 & 2 Geo. IV. c. 110, intituled "An Act for reducing the Duties imposed on Husbandry Horses, and to make provision for reducing the Duties on certain Horses and Mules that, " whereas by an act passed in the forty-eighth year of his late majesty king George the Third, intituled ' An Act for reducing the Duties of Assessed Taxes, and granting new Duties and certain additional Duties to be consolidated therewith, repealing the Stamp Duties on Game Certificates, and the Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes ; ' certain duties contained in a schedule marked (F.) of the said act were imposed and made payable on horses, mares, and geldings, not charged with any duty, and on mules in the schedule marked (E.) of the said act, and on mules in the schedule after mentioned, in lieu of certain duties thereby repealed ;
- also, by another act, passed in the fifty-second year of the reign of his late majesty, intituled ' An Act for granting to His Majesty certain Additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes, ' certain other duties were imposed and made payable on horses, mares, and geldings, kept for the purpose of husbandry, which are set out in a schedule of the last-mentioned act, marked (F.) No. 2 ;
- another act passed in the fifty-sixth year of the reign of his late majesty, intituled ' An Act for reducing the Duties payable on Horses and Mules for the Purposes therein mentioned for Two Years, and for regulating the Duties payable by the acts before mentioned, on horses kept for the purpose of husbandry, were discontinued and suspended, so far as the same applied to persons occupying farms of the description and value therein mentioned, for the term of two years, from the fifth day of April, 1816, and were substituted on persons occupying farms as tenants at a rack rent of less than 200*l.* per annum, and making a livelihood solely by the cultivation of other estate therein described, of a value less than equivalent to a rack rent of 200*l.* per annum, and making a livelihood solely by the cultivation of other estate, or by such estate and farm jointly : and whereas the duties were, by certain acts passed in the fifty-eighth and fifty-ninth years of the reign of his said late majesty, further continued until the fifth day of April, 1821 : and whereas an act was passed on the sixth day of April, 1821, during the present session of parliament, intituled ' An Act to continue until the Fifth Day of April, 1822, the Acts of His late Majesty, for reducing the Duties payable on Horses and Mules for the Purposes therein mentioned, ' whereby the said duties were continued until and upon the fifth day of April, 1822 :
- divers petitions, praying, amongst other things, for the repeal of the duties granted by the said recited acts, were presented to the House of Commons in parliament assembled in the present session ; which petitions, and the said act last before recited was pending, were referred to a select committee of the said Commons ; and it was resolved, that to make provision in the said recited act for allowing the repeal thereof in the present session of parliament, for the purpose of enabling parliament to give such relief to the said petitioners as should appear to parliament should seem expedient ; which provision was

3. Of the Assessed Taxes themselves.

SCHEDULE (F.)—(continued.)

riding, &c., made perpetual.

Proviso.

Act not to revive former repealed duties.

Provisions of said acts to remain in force for levying arrears, &c.

Small farmers' horses.

Exemption for horses employed by market gardeners.

Clergymen and dissenting ministers, whose incomes are under 120*l.* a-year, exempted from the duty on one riding horse.

certain cases therein described for a limited time, and it is expedient the said reduced duties should be made perpetual;" be it further enacted, "That the reduced duties imposed by the said acts on horses, mares, geldings, shall, in every case where the same are granted during the continuance of the said acts, be further continued and made perpetual in virtue of this act: provided always, that nothing in the said act shall be construed to affect any exemption to which the such horses, mares, or geldings, may entitle the person keeping the same by any act passed prior to the granting of the said reduced duties."

Sect. 6. "That nothing herein contained shall be construed to revive any rate or duty imposed on horses, mares, or geldings, by any acts repealed by the said first-mentioned act of the forty-eighth year of the reign of his late majesty, or by any other act herein mentioned."

Sect. 7. "That nothing herein contained shall be construed to repeal any of the provisions of the said acts, relating to any of the assessed taxes or any compositions for the same, other than the duties or compositions on such husbandry horses, mares, geldings, or mules mentioned; and that all the provisions of the said acts shall continue in force, for the purpose of making and completing the assessments and compositions on such husbandry horses, mares, geldings, or mules for the present and all former years, and for the raising, levying, paying, and accounting for the sums assessed or compounded for, payable or upon the period hereby fixed for discharging the assessments with respect to the present year, as before directed; and also for the levying, collecting, and paying all and every the arrears of the said duties, which shall have been or shall be charged for any year prior to the passing of this act, or which shall be charged for the present year, and not directed to be charged by this act, and which shall be in arrear and unpaid; and for suing for, adjudging, and recovering any penalty or forfeiture which have been or may be incurred in respect of any such assessment, and for hearing appeals against any such assessment."

By the 11 Geo. IV. & 1 Will. IV. c. 35, s. 3, *ante*, 131, the duties on horses kept and employed by persons for the purpose of husbandry on the farm or estate occupied by him, where the farm is of less than £200 a year were repealed, and this is extended by the 5 & 6 Will. IV. c. 64, s. 16, *post*, 150, to farms under £500, &c.

By 3 & 4 Will. IV. c. 39, s. 6, it is enacted, "That for and in respect of all assessments to be made for any year commencing from and after the fifth day of April, 1833, every horse, mare, gelding, or mule, *fide* kept and used by persons carrying on the trades or business of market gardeners, in the cultivation of the gardens or lands in their respective occupations, and in conveying the produce thereof to or to market (and whether solely and for such purposes, or partly to market and partly in the affairs of husbandry by the same persons), shall be deemed and taken to be husbandry horses, and shall and are hereby declared to be exempt from the duty of 10*s.* 6*d.* now payable, as if the same were horses, mares, geldings, or mules were solely kept and used for the purposes of husbandry."

By 4 & 5 Will. IV. c. 73, s. 5, "Any rector, vicar, or curate acting as a minister of the church or chapel of which he is rector, vicar, or curate, (except such person who shall occasionally perform the duty of a minister of the church or chapel of which he is rector, vicar, or curate, without being the regular minister of the parish or place in which such duty shall be performed) and any priest of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law, and any teacher or preacher of any separate congregation of Protestant dissenters, whose place of meeting shall have been duly registered, such teacher or preacher having duly taken and subscribed the oaths and declarations

7. "That any person shall be exempt from the duties granted by any act or acts relating to the duties of assessed taxes for any mares, geldings, or mules, *bona fide* kept and usually employed for the purpose of husbandry, although such horses, mares, geldings, or mules shall be occasionally used for other purposes in drawing or draught, or let to draw for hire, and although such horses, mares, geldings, or mules shall be occasionally used by such person or let by him for the purpose of drawing or draught, or let to draw for hire, or for hire or profit; provided such horses, mares, geldings, or mules shall not be used for drawing any carriage chargeable with duty."

Exemption in respect of husbandry horses and mules occasionally used for other purposes of draught, or let to draw for hire.

8. "And whereas by the said act passed in the fifty-second year of king George the Third, any postmaster, innkeeper, or person licensed for that purpose by the commissioners appointed to the duties charged on stamped vellum, parchment, and paper, is exempted from the duties granted by the said act in respect of any horse, gelding let to hire by him or her; provided that such horse, gelding shall in every case be *bona fide* let to hire by him or her in such manner that the Stamp-office duty shall be payable on such letting, and shall be accounted for by delivery of a receipt denoting the Stamp-office duty payable, and be duly satisfied with such stamp duty, without making composition for the same; provided that such horse, mare, or gelding shall not on any occasion be let to hire by such licensed person, or any other, without such letting to the Stamp-office, and payment of stamp duty as aforesaid;" be it enacted, "That no postmaster, innkeeper, or other person licensed as aforesaid shall be exempted from the duties charged on any carriage chargeable with any duty under any act or acts relating to the duties

Licensed postmasters allowed to use their post-horses in husbandry, and in drawing manure, fodder, &c. without being liable to duty.

9. "That no postmaster, innkeeper, or other person licensed as aforesaid shall be exempted from the duties charged on any carriage chargeable with any duty under any act or acts relating to the duties

SCHEDULE 3. — continued.

shall have effect for a limited time, and it is expedient that the said duties should be made permanent. It is further enacted that the said duties imposed by the said Acts on horses, mares, geldings, and in every case where the same are granted during the continuance of the said Acts be further continued and made perpetual. Of the said duties imposed hereby the inclusion in the said Act shall be construed as affecting any exemption to which the said horses, mares, or geldings may be entitled the service keeping the same and imposed upon the granting of the said reduced duties.

Section 1. The nothing herein contained shall be construed to mean that if any person in horses, mares, or geldings, by any Act repealed in the said Act shall be liable to the duty of the said Act in the said Act or in any other Act mentioned.

Section 2. The nothing herein contained shall be construed to mean that the provisions of the said Act relating to any of the assessments or contributions in the said Act, other than the duties or contributions in such individual horses, mares, geldings, or mules mentioned, and the said provisions of the said Act shall continue in force for the purpose of imposing and collecting the assessments and contributions in such individual horses, mares, geldings, or mules for the present and in future years, and for the raising, levying, paying, and recovering of the same assessed or contributed for, payable for, or upon the period therein fixed for discharging the assessments with previous year, as hereby assessed, and also for the levying, collecting, and paying of the same at the said times, which shall have been or be charged for any year prior to the passing of this Act, or which shall be or shall be charged for the present year, and not directed to be charged for any year and which shall be in arrear and unpaid; and nothing here, or elsewhere, shall render any penalty or forfeiture which may be incurred in respect of any such assessment, or anything appearing against any such assessment.

By the 11 Geo. IV. & 1 Will. IV. c. 35. s. 3, *ante*, 131, the Acts relating to horses kept and employed by persons for the purpose of husbandry on the farm or estate occupied by him, where the farm is of less than £200 a year were repealed, and this is extended by the 5 & 6 Will. IV. c. 64, s. 16, *post*, 150, to farms under £500, &c.

By 3 & 4 Will. IV. c. 39, s. 6, it is enacted, "That for and in respect of all assessments to be made for any year commencing from and after the fifth day of April, 1833, every horse, mare, gelding, or mule, *vide* kept and used by persons carrying on the trades or business of market gardeners, in the cultivation of the gardens or lands in their respective occupations, and in conveying the produce thereof to or to the market (and whether solely and for such purposes, or partly the one and partly in the affairs of husbandry by the same persons), shall be deemed and taken to be husbandry horses, and shall and are hereby declared to be exempt from the duty of 10s. 6d. now payable, as if horses, mares, geldings, or mules were solely kept and used for purposes of husbandry."

By 4 & 5 Will. IV. c. 73, s. 5, "Any rector, vicar, or curate acting as a minister of the church or chapel of which he is rector, vicar, or curate, (except such person who shall occasionally perform the duty of a minister to any rector, vicar, or curate, without being the regular minister of the parish or place in which such duty shall be performed) and any priest of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law, and any teacher or preacher of any separate congregation of Protestant dissenters whose place of meeting shall have been duly registered, such teacher or preacher having duly taken and subscribed the oaths and declarations

1. If the duty is not paid, the duty shall be payable.

2. If the duty is not paid, the duty shall be payable.

3. If the duty is not paid, the duty shall be payable.

4. If the duty is not paid, the duty shall be payable.

5. If the duty is not paid, the duty shall be payable.

6. If the duty is not paid, the duty shall be payable.

7. If the duty is not paid, the duty shall be payable.

8. If the duty is not paid, the duty shall be payable.

And where two or more persons join in keeping or using such hounds, then, in default of their compounding for the same, as aforesaid, any or all of the said persons shall be chargeable for every such hound kept by them or any of them."

By the 3 & 4 Will. IV. c. 39, s. 7, exempts from payment of duty dogs *bonâ fide* employed by shepherds in the care of flocks in which they have a direct interest. And the 4 & 5 Will. IV. c. 73, s. 10, exempts from duty, after 5th of April, 1834, all dogs *bonâ fide* kept for the care of sheep, provided no such dog shall be a greyhound, hound, pointer, spaniel, dog, spaniel, lurcher, or terrier. Shepherds' dogs.

By the 43 Geo. III. c. 161, s. 27, persons keeping dogs are to return a list thereof and be charged accordingly, *ante*, 80. Provisions by the 43 Geo. III. c. 161, respecting duties on dogs.
 Act 39 gives directions for assessing persons keeping dogs, and who have no fixed residence, *ante*, 85.

SCHEDULE (H.), DUTIES ON HORSE-DEALERS.

A SCHEDULE of the Duties payable by HORSE-DEALERS."

Aggregate Duty.	
Every person who shall use or exercise the trade and business of horse-dealer, within the cities of London and Westminster, and the liberties of the same respectively, the parish of St. Mary-le-Bone and St. Pancras, in the county of Middlesex, or the weekly bills of mortality, or the borough of Southwark, in the county of Surrey, the annual duty of	£25 0 0
In addition to the duty of 22 <i>l.</i> 10 <i>s.</i> granted by the act passed in the 48th year of the reign of his present majesty	£2 10 0

3. Of the Assessed Taxes themselves.

SCHEDULE (H.)—(continued.)

Every person who shall use or exercise the trade and business of a horse-dealer in any other part of Great Britain, the annual duty of	1 5 0	Aggregate Duty. £12 10
In addition to the duty of 11/. 5s. granted by the said act .		

Mares kept for breeding exempted; and horses bred by seller, &c.

By the 59 Geo. III. c. 13, s. 4, it is enacted, "That from and after the fifth day of April, 1819, all mares which shall be kept for the sole purpose of breeding shall, whilst so kept, be wholly exempt from duty; and that all persons shall and may sell any horses which shall have been bred by them or kept by them as farming stock upon lands in their occupation for the space of three months at the least, without being liable to be assessed to the duties payable by horse-dealers; any thing in any act or acts to the contrary notwithstanding."

Provisions by the 43 Geo. III. c. 161, regulating the duties on horse-dealers.

By the 43 Geo. III. c. 161, s. 27, persons having exercised the business of a horse-dealer for the period within mentioned, are to give notice thereof and be assessed accordingly, *ante*, 80.
By sect. 43, horse-dealers are to enter account of horses sold in book to be inspected by the assessors, &c., *ante*, 87.
By sect. 44, proper forms for such accounts are to be had at the Tax-office, *ante*, 87.
By sect. 48, horse-dealers, trading at different places, are to deliver returns at each, and declare where they will be charged, *ante*, 88.

SCHEDULE (I.), DUTIES ON HAIR-POWDER WEARERS.

52 Geo. III. c. 93. "A SCHEDULE of the Duties payable by Persons in respect of HAIR-POWDER used or worn by them."

By every person who shall have used or worn any hair-powder within the period limited by any of the acts herein mentioned, the annual sum of	£1 3
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RULES for Charging the said Duties.

How chargeable.

"I.—The said rate or duty to extend to every sort or composition of powder used or worn by any person as an article of, or in, or about, his or her dress, whatever name the same shall be distinguished, and to be assessed upon and payable by the person having used or worn the same within the year preceding the time for which the assessment ought to be made, except as hereinafter mentioned.

Daughters unmarried.

"II.—The unmarried daughters of any person shall not be chargeable with the said last-mentioned duties by this act made payable, or with the duties payable at the time of passing this act, or be required to make any return under this act, or the acts in force at the time of passing this act, provided the parent of such daughters shall have more than two unmarried daughters, and shall have given an account in any list by him or her delivered under this act, or the acts now in force, of the whole number of such daughters, and shall have been required to be assessed and charged for the whole number by one assessment, in which every such parent shall be assessed and charged in respect to the whole number of such daughters in twice the sum so payable on any single person for his or her having worn hair-powder, which shall exempt the whole number of daughters from the said duties, and each of them; and that neither the person giving such account, nor any of the persons returned in such account, in respect of whom such charge shall be made, shall in such case be liable to any of the penalties imposed by this act, or the acts now in force, by reason of the duty not being paid for the whole number of such daughters."

N.), and according to the regulations of this act in other cases of ex-
by such volunteers."

-Any clergyman who shall not be possessed of an annual income of 100*l.* Clergymen, &c.
s, whether arising from ecclesiastical preferment or otherwise; or any
r preachers of any congregation of dissenters, or any person dissenting
hurch of England, in holy orders, or pretended holy orders, who now
y time hereafter shall be entitled to the benefit of the statute made in
ar of the reign of the late king William and queen Mary, intituled
r exempting their Majesties' Protestant Subjects dissenting from the 1 W. & M. st. 1,
England from the Penalties of certain Laws; or of the statute made c 18.
teenth year of the reign of his present majesty, intituled 'An Act for 19 Geo. III. c. 44.
'Relief of Protestant Dissenting Ministers and Schoolmasters;' or of
made in the thirty-first year of the reign of his present majesty, in-
Act to relieve, upon Conditions, and under Restrictions, the Persons 31 Geo. III c 32.
cribed, from certain Penalties and Disabilities to which Papists, or
ofessing the Popish Religion, are by Law subject,' and who shall not
d of an annual income of 100*l.* or upwards, however arising; and the
ing from any benefice or benefices shall be estimated on the average
roof, computed on the period of seven years next preceding that on
exemptions shall be claimed."

SCHEDULE (K.), ARMORIAL BEARINGS.

SCHEDULE of the Duties payable by Persons in respect of any 52 Geo III. c. 93.
al Bearing or Ensign, used or worn by them, by whatever Name
s shall be called."

<p>such person chargeable with any duty made payable by } , for any coach or other carriage, the annual sum of . }</p>	<p>£ s. d.) 2 8 0)</p>
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3. Of the Assessed Taxes themselves.

SCHEDULE (K.)—(continued.)

By every such person not chargeable for any such coach or other carriage, but who shall be chargeable to any of the duties on inhabited houses, or to the duties on houses, windows, or lights, made payable by this act, the annual sum of	£ s. d. 1 4 0
By every such person not chargeable for any such coach or other carriage, not being chargeable to the said duties on inhabited houses, or to the duties on houses, windows, or lights, the annual sum of	0 12 0

"The said duties to be paid by every person having used or caused to be used any armorial bearing or ensign, by whatever name the same is or shall be called within the year preceding the term for which the assessment ought to be made, and to extend to every person who within the said period shall have been possessed of or shall have kept or had any coach or other carriage chargeable with the duty by this act, or any seal, plate, or other article, on which carriage, seal, plate, or other article, any armorial bearing or ensign is or shall have been, during the said period, painted, engraved, marked, or affixed, and whether such armorial bearing or ensign shall be registered in the College of Arms or not."

"EXEMPTIONS from the said Duties as set forth in Schedule (K.)

Royal family.

Public officers.

"Any of the royal family; or any person who shall, by right of office or by appointment, have worn or used any of the arms or insignia worn or used by the royal family, or used in any city, borough, or town corporate, in that part of Great Britain before described."

Provisions by 43 Geo. III. c. 161, respecting assessment of duties for hair-powder and armorial bearings.

By the 43 Geo. III. c. 161, s. 27, persons having worn hair-powder or armorial bearings are to return lists to the assessors, and be charged accordingly, *see ante*, 80.

SCHEDULE (L.), DUTIES FOR KILLING GAME.

This schedule, and the rules for charging the duties, and all the laws relating to game and game certificates, will be found fully treated of under title "Game," Vol. III.

SCHEDULE (M.), EXEMPTIONS.

No. 1.

"Further EXEMPTIONS from the several Duties in the several Schedules marked (C.), (D.), (E.), and (G.)"

Irish members of parliament and public officers.

"All persons having ordinarily resided in Ireland before the commencement of the session of parliament in the fifty-second year of the reign of his present majesty, and being members of either house of the parliament of the United Kingdom, whether on the part of Ireland, or for any place in Great Britain, and all persons who shall hereafter be members of the said parliament as aforesaid, and who shall have ordinarily resided in Ireland previous to the commencement of the session of parliament in which they shall respectively serve in parliament; and all persons having ordinarily resided in Ireland as aforesaid, or who shall hereafter be ordinarily resident therein, and now holding or who shall hereafter hold offices of public employments in Ireland, and are now residing in Great Britain, or who shall hereafter reside in Great Britain, with the approbation or by the order or direction of the lord lieutenant, or other chief governor or chief governors of Ireland for the time being, or of his or their chief secretary for the time being, and which shall be certified under the hand of the lord lieutenant, or chief governor or chief governors, or his or their chief secretary, to be therein resident for the purposes of assisting in the execution of public business, shall be wholly discharged and exempted from the duties set forth in the schedules to this act annexed, marked (C.), (D.), (E.), and (G.); provided that this exemption shall not extend to any person ordinarily resident in Ireland as aforesaid, being a member of either house of parliament of the

ch year of service may have run into a second year of assessment."

51 Geo. III. c. 72, intituled "An Act for granting Exemp- 48 Geo. III. c. 55.
tain Cases from the Payment of the Duties charged in respect 50 Geo. III. c. 104.
s, Carriages, Horses, and Dogs, kept in Great Britain and Ire-
ctively;" after reciting that "whereas by certain acts [passed
7-eighth and fiftieth years of the reign of his present majesty,
ties are granted to his majesty on male servants, carriages,
riding or drawing the said carriages, and on dogs, to be an-
essed and paid throughout Great Britain, which duties are
der the management of the commissioners for the affairs of
reat Britain: and whereas, by a certain act passed in the same 48 Geo. III. c. 42.
h year of the reign of his present majesty, certain duties are
ed to his majesty on male servants, carriages, horses for riding
g the said carriages, and on dogs, to be annually levied and
ighout Ireland, which last mentioned duties are placed under
ement of the commissioners of inland excise and taxes in Ire-
whereas it is just and reasonable that persons residing partly
ritain and partly in Ireland should not pay the duties granted
l several acts for the same establishment of servants, carriages,
d dogs, in the same year in both parts of the United King-
is enacted, "That every person who shall have paid the said
payable in Great Britain, in respect of any such servants,
horses, or dogs, for the period of one whole year, who shall
y time within the same year, as hereinafter is provided, be
the said duties so payable in Ireland, for his or her servants,
horses, or dogs, kept in Ireland (the said servants, carriages,
dogs, so kept in Ireland, being either the same servants, car-
nes, or dogs, which are so charged in Great Britain in such

Persons paying
duties for ser-
vants, &c., in
Great Britain, not
to pay for same
in Ireland.

3. *Of the Assessed Taxes themselves.*

SCHEDULE (M.)—(continued.)

Persons paying in Ireland only liable for duty in Great Britain.

year, or servants in the same capacities, or carriages, ho the same descriptions, chargeable in Great Britain with and kept in lieu of such of the said servants, carriages, as have been *bond fide* parted with), shall be wholly exemption in Ireland for one year of the duties so charged the of each and every of the said servants, carriages, horses in Ireland; and every person who shall have paid the said able in Ireland, in respect of any such servants, carriages, for one year, who shall at any time within the same year, provided, be charged to the said duties so payable in G his or her servants, carriages, horses, or dogs, kept in the said servants, carriages, horses, or dogs, so kept it being either the same servants, carriages, horses, or dog charged in Ireland in such year, or servants in the sam carriages, horses, or dogs of the same descriptions, charg with the like duties, and kept in lieu of such of the ser horses, or dogs, as have been *bond fide* parted with, sh from payment in Great Britain, for one year, of so m duties so charged thereon as the duty paid in Ireland in and every of the same servants, carriages, horses, or d carriages, horses, or dogs, kept in lieu thereof respective shall amount unto, provided that due proof shall be ma ments in Great Britain or Ireland respectively in the ma directed."

Periods at which duties commence.

Sect. 2. " ' And whereas the said duties payable in C chargeable yearly, from the fifth day of April in each ye duties payable in Ireland are chargeable yearly, from January in each year ; ' be it declared and further enacte payment in Ireland in the manner herein directed, within mencing on the fifth day of January in such year, shall e ant to the exemption hereby granted in Great Britain fo mencing on the fifth day of April following, and proo Great Britain in the manner herein directed, for one year day of April in any year, shall entitle the claimant to hereby granted in Ireland, within the year commencing of January preceding."

Persons claiming exemption in Great Britain to produce certificates of payment in Ireland.

Sect. 3. " That every person claiming to be exempted said duties in Great Britain, by virtue of this act, sha deliver to the surveyor or inspector of the district where shall reside, a certificate under the hand of the proper offi excise and taxes in Ireland, containing a true copy of receipts given to such claimant on all such payments as : last year wherein such claimant was charged to the said d which certificate shall either contain, or there shall be an return containing the number of servants, carriages, ho paid for in Ireland by such claimant in the last year, and capacities of the said servants, and the descriptions of the horses, and dogs, as required by the said first-recited acts which of the said servants, carriages, horses, or dogs, are the so charged in Ireland, and which of them are kept in lieu said servants, carriages, horses, or dogs, which have been p every such claim, being first signed by the claimant in proper name, and in his or her usual manner of writing, be transmitted to the commissioners for the affairs of tax and the said commissioners shall inquire and examine in every such claim in such manner as they shall think nec commissioners of inland excise and taxes in Ireland sha hereby required to aid and assist the commissioners fo taxes, in their inquiries and examinations into such claim: any such claims shall be duly proved to the satisfaction

3. *Of the Assessed Taxes themselves.*

recovered and applied.

Certain exemptions not affected.

4 & 5 W. IV. c. 73.

Servants, &c., wholly exempted from duty, not to be reckoned in assessing progressive duties in respect of other servants, &c., kept by the same person.

Exemptions to be claimed as directed by 48 Geo. III. c. 161, s. 36.

SCHEDULE (M.)—(continued.)

in Great Britain, the same may be sued for, recovered, and any penalty for any offence committed against the said first-recipient either of them, relating to the said duties payable in Great Britain, may be sued for, recovered, or applied, in that part of Great Britain in which the said offence shall be committed; and in every case where the same shall be incurred in Ireland, the same may be sued for, recovered, or applied, as any penalty for any offence committed against the said first-recipient, or any other act or acts in force in Ireland respecting the same, may be sued for, recovered, or applied in Ireland."

Sect. 8. "That nothing in this act contained shall extend or be construed to extend to or in any way to affect any of the exemptions from the payments of the said duties granted and allowed by any act of parliament to members of parliament ordinarily resident in Ireland, or to persons holding offices or public employments in Ireland, or to persons resident in Great Britain, for the purposes of assisting in the conduct of the public business, or to alter the manner of claiming such exemptions as are granted and allowed by the said act or acts last mentioned."

By stat. 4 & 5 Will. IV. c. 73, s. 12, it is enacted, "That under or by virtue of this act, or of any other act or acts relating to the duties of assessed taxes, any person is or shall be wholly exempted from duty in respect of any male servant, or any horse, mare, or gelding, or any dog, respectively retained or employed or kept by him, or any female servant, or such horse, mare, or gelding, or dog, shall not be reckoned for the purpose of assessing or increasing the progressive duties payable by such person in respect of any other male servant, or horse, mare, or gelding, or dog, respectively retained or employed or kept by him, but that all such last-mentioned duties shall be assessed and charged on such person without reference to the male servant, or horse, mare, or gelding, or dog, in respect of which such total exemption is claimed; and the duty as aforesaid shall be duly allowed."

By sect. 11 it is enacted, "That in the several cases of exemptions granted by this act in respect of any of the duties on male servants, horses, mares, geldings, or mules, and on dogs, where such exemptions are directed by this act to be claimed, all such servants, horses, mares, geldings, or mules, and dogs respectively, shall be duly returned to the assessor; and every such exemption shall be claimed by the person entitled to the benefit thereof in the manner directed by an act passed in the third year of the reign of king George the Third, with regard to exemptions from the duties of assessed taxes; and no such exemption shall be allowed unless the same and the cause thereof shall be returned to the assessor in the manner directed by the said act."

SCHEDULE (N.), FORMS OF CERTIFICATE

Forms.

[48 Geo. III. c. 55; and 52 Geo. III. c. 93.]

I.—Form of CERTIFICATE to be delivered by Members of Voluntary Associations.

"I, _____, commanding officer of the _____, do hereby certify, in pursuance of an act passed in the fifty-second year of the reign of his present majesty, intitled 'An Act' [here insert the title of this act] (a), that the several persons herein named and described are severally enrolled and serving in the _____."

(a) "An Act for repealing the Duties on Game Certificates of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties, to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, and placing the same under the Management of the Commissioners for the Affairs of the Poor."

*' said county [if the certificate be granted in England, or, if in Scotland, in
of his appointment as gamekeeper of the lands of K., in the said county].
in pursuance of acts passed in the forty-eighth and fifty-second years of
m of George the Third, and certified the day of , in the year
Lord .*

" (Signed) . Clerk."

"This certificate will expire on the fifth day of April next."

**Form of CERTIFICATE to be issued to every Gamekeeper, not being an
assessed Servant to any Person or Persons.**

" No. . Game Duty Certificate (C.)"

*by A. B., clerk to the commissioners acting in the execution of the acts
for assessed taxes for the division of I., in the county of L.*

*issued from C. D., residing in the parish [or, township] of [here name the
township], in the said county (in exchange for this certificate), a receipt*

4. Of Compounding for Assessed Taxes.

SCHEDULE (N.)—(continued.)

under the hand of G. H., one of the collectors of assessed taxes for the said parish [or, township] of [here name the parish or township], for the sum of 3l. 13s. 6d. sterling for the game duty chargeable upon the said C. D., in respect of his deputation as gamekeeper of the manor or royalty of K., in the said county [if the certificate be granted in England, or, if in Scotland, in respect of his appointment of the lands of K., in the said county]; the said C. D., not being an assessed servant to any person or persons. Given in pursuance of acts passed in the forty-eighth and fifty-second years of the reign of George the Third, and certified the day of , in the year of our Lord .

“(Signed) , Clerk.”

“This certificate will expire on the fifth day of April next.”

V.—Form of CERTIFICATE to be issued to every Person not being a Gamekeeper.

“No. . Game Duty Certificate (D.)

“By A. B., clerk to the commissioners acting in the execution of the acts assessed taxes for the division of I., in the county of L.

“Received from C. D., residing in the parish [or, township] of [here name the parish or township], in the said county (in exchange for this certificate), a sum of 3l. 13s. 6d. sterling, for the game duty chargeable upon the said C. D., in his own right, throughout Great Britain. Given in pursuance of acts passed in the forty-eighth and fifty-second years of the reign of George the Third, and certified the day of , in the year of our Lord .

“(Signed) , Clerk.”

“This certificate will expire on the fifth day of April next.”

IV. Of Compounding for Assessed Taxes.

[59 Geo. III. c. 51; 1 Geo. IV. c. 73; 1 & 2 Geo. IV. c. 113; 3 Geo. IV. c. 50; 4 Geo. IV. c. 11; 4 Geo. IV. c. 45; 5 Geo. IV. c. 44; 7 Geo. IV. c. 22; 10 Geo. IV. c. 21; 1 Will. IV. c. 35; 1 & 2 Will. IV. c. 7; 2 & 3 Will. IV. c. 113; 3 & 4 Will. IV. c. 34; 4 & 5 Will. IV. c. 54; 5 & 6 Will. IV. c. 64.]

By the 59 Geo. III. c. 51, “An Act to relieve Persons compounding for their Assessed Taxes, from an Annual Assessment, for the term of Three years,” sect. 1, after reciting, that, “whereas by an act passed in the forty-eighth year of the reign of his present majesty, intituled ‘An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties, to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes,’ certain duties of assessed taxes were granted to his majesty; and by another act, passed in the fifty-second year of the reign of his said majesty, intituled ‘An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes,’ certain new and additional duties of assessed taxes were also granted and consolidated with the former duties of assessed taxes, which duties have been varied by several subsequent acts; and it is expedient to relieve such persons as are willing and desirous of compounding for their assessed taxes from an annual assessment, and all further or increased charges on articles of the same description, for a term to be limited, on

who shall apply to them for that purpose, in the same division
each assessment hath been made, for the composition of their,
assessed taxes, for the said period of three years, according to
one and provisions of this act; and all and every persons and
ended for the year ended as aforesaid, to the duties made pay-
ment of the said acts, or any of them, are and is hereby respec-
tively to be competent to enter into composition with the said
commissioners, for their, his, or her assessed taxes, for the
three years, to commence from the said fifth day of April, on the
next annually as shall have been assessed upon them, him, or her,
ended as aforesaid, together with an additional annual rate for
of the amount so assessed, to be ascertained and fixed in the
same and in manner herein mentioned, except as hereinafter is

Persons assessed
in the last year
may compound.

"That the duties assessed on inhabited houses and on windows
contained in the schedules marked (A.) and (B.), or either of
them, by the said act of the forty-eighth year aforesaid, shall
be paid for separately and distinctly from all and every the other
duties mentioned, chargeable under the said acts, or any of them;
any such composition shall be made on the amount of the said
duties assessed on inhabited houses and on windows or lights, the pro-
portion said additional rate shall be 1s. for every 20s. of the amount
and so, after that rate, for any greater or lesser sum than
20s. where any such composition shall be made on the amount of
the duties granted by the said acts (except the duties granted
in respect of killing game), the proportion of the said additional
rate shall be 1s. for every 20s. of the amount so assessed, and so, after
that rate, for any greater or less sum than 20s.

Compositions on
house and window
duties to be made
separately.

Additional rate of
1s. for every 20s.
on amount of
compositions.

That all and every persons and person entering into any such
composition according to the provisions of this act, and paying the amount
so compounded for at the times and in the proportions, and in
the manner specified, and doing and performing all other acts, matters,
and things required by this act, shall be entitled to make or open, and keep
for the said term, free of duty, any additional number of win-
dows in this his or her dwelling house in respect of which

Compositions to
entitle persons
compounding to
open windows,
and keep addi-
tional articles,
free of duty.

4. Of Compounding for Assessed Taxes.

50 Geo. III. c. 51.

Persons chargeable to a greater amount than in the last year's assessment, to compound on the increased amount.

Persons compounding not to be charged for increased establishment in certain cases.

Articles of different assessments to be compounded for on the last assessment.

Compositions to cease at the end of the year.

Compositions to bind party to punctual payment of amount.

Parties removing, and the executors and assigns of persons dying, &c., to be answerable for the compositions to the end of the year.

other schedule or schedules of the said acts, than they, he, or a was charged in respect of in the assessment on which the o shall have been made; in which excepted cases, and no other, fu creased charges shall be made, and the fines, penalties, and for flicted according to the provisions of the several acts, in relation taxes in force at and immediately before the passing of this act, s effectually as if no such composition had been made under thi

Sect. 4. "That no composition shall be entered into und with any persons or person who shall have become chargea present year, by reason of any different or additional establis up within the year ending on the fifth day of April, 1819, t amount of duty than hath been charged on them, him, or her, last year's assessment, without including, as well the amount charged in the said assessment, as the increased amount of c coming chargeable by reason of such different or additional ment, nor in any such case where a *bond fide* return of such a increased establishment shall not be made before the first d 1819."

Sect. 5. "That no person shall be chargeable under the ac at the time of passing this act, after the expiration of the sa three years, for any part of the increased establishment not i the composition entered into under this act, who shall give six m vious notice of his intention to discontinue the same, and who sh have ceased to keep the same one calendar month prior to the of the said period of three years."

Sect. 6. "That when an establishment shall have consisted articles whereon a less duty hath been made payable by any present session of parliament, it shall be lawful to enter into co under this act, on the amount of duty charged on other artic said last assessment, together with the amount of duty so ma able by the said act of the present session of parliament."

Sect. 7. "That every composition entered into under this i pect of the duties charged on a dwelling-house from which ti or person entering into the same shall remove during the t limited, shall cease and determine on the fifth day of April such removal; and every composition entered into under this pect of any other of the duties granted by the said acts, with a or person who, within the said term herein limited, shall die, bankrupt or insolvent, or shall assign their, his, or her ge tels, or effects, shall also cease and determine on the first d next after such death, bankruptcy, insolvency, or assignment."

Sect. 8. "That every composition entered into in pursuanc subject to the determination thereof as aforesaid, shall bind t or person entering into the same, their, his, and her chattele, effects, to the due and punctual payment and satisfaction, at and in the proportions herein specified, of the full amount o made payable upon the said composition, or by virtue thereof, continuance of the same, according to and under the provisions:

Sect. 9. "That all and every persons or person so having co and quitting or removing from the dwelling-houses or dwellin respect of which such composition shall be made, and the exe ministrators, or assignees of such persons or person dying o bankrupt or insolvent, and the assigns of any such person assigning their, his, or her estate, chattele, goods, or effect bound to the due and punctual payment of all sums accruing, arrear at the respective times of such removal, death, bankrupt vency, or assignment, or which shall be payable upon such e for the year ending on the fifth day of April next after sad death, bankruptcy, insolvency, or assignment; and no goods whatever, belonging to any persons or person so having co and quitting or removing from their, his, or her dwelling

house, or dying or becoming bankrupt, or insolvent, or assigning, his, or her estate, chattels, goods, or effects, shall be removed, and any goods or chattels belonging to any persons or person so compounded be liable to be taken by virtue of any execution or process, warrant, or authority, unless the persons or person so compounded, or their, his, or her executors, administrators, or assigns, or the party to whom any such assignment shall be made, or by such process, warrant, authority, or seizure, shall be sued out or bail, before the removal of such goods or chattels, pay or cause to be paid to the proper collector or collectors of the said composition-money (the same not having been paid to the governor and directors of the Bank of England, or the receiver-general, or his deputy, pursuant to the provisions of this act), all arrears of the said monies which shall be due, or which shall be payable for the year ending on the fifth day of January next after such removal, death, bankruptcy, insolvency, assignment, or seizure; and in case of refusal to pay the said composition-money then due, or to grow due, as aforesaid, the said collectors or collectors are hereby authorized and required to distrain such goods or chattels, and proceed to the sale thereof, in such manner as they may sell such goods or chattels distrained under the said acts, until they or he shall have received payment of the said composition-money, together with the costs and charges attending such distress and sale, and every collector shall be indemnified for so doing by virtue of this act."

4. *Of Compounding for Assessed Taxes.*

59 Geo. III. c. 51.

Arrears to be paid.

10. "That the monies to arise or become payable by virtue of compositions entered into under this act shall be payable without interest and paid quarterly, at the same times and in the same proportions and to the same persons respectively, as the duties of assessed taxes now payable by virtue of any act or acts in force at and immediately before the passing of this act: provided always, that all and every person and person so compounding as aforesaid, the amount of whose compositions or composition shall not be less than 20*l.*, may con- agree with the respective commissioners aforesaid, for the payment of his, his, or her composition-money into the Bank of England, or the receiver-general, or his lawful deputy, for the county or division in which he, he, his, or her composition-money shall be payable, by half-payments at the times and in the manner herein prescribed in and all such half-yearly payments shall be made in equal portions before the first day of October, and the first day of April in each year, and with respect to payments to be made to the receiver-general or his deputy, to require a receipt or receipts acknowledging such payments at the cost and charge of the persons or person making such payments in such form as the commissioners for the affairs of taxes shall direct; and in every such case the said receiver-general, or his deputy, as aforesaid, shall give the said persons or person by whom such payments shall be made, a receipt or receipts as aforesaid, specifying the names or name of the persons or person compounding as aforesaid, and the parish or place mentioned in the certificate of composition, which receipts shall be delivered over to the collectors, or one of them, in the parish or place where the assessment referred to by the certificate of composition shall have been made, by indorsement, under the hand and seal of the persons or person so compounding and paying, and the receipt so received by such collectors or collector as cash, and allowed to be so received by every receiver-general, or his deputy, in his accounts with the Bank of England."

Composition-monies payable quarterly as assessed taxes.

Proviso for payment of compositions not less than 20*l.* into the Bank, or to receiver-general, by half-yearly payments.

Receiver-general to give receipts, to be delivered over to the collector, and by him received as cash.

"That the governor and directors of the Bank of England shall open an account in their books with the commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and being, for each year, during the term herein limited, under the name of 'The Commissioners of the Treasury on account of Compounded Assessed Taxes,' and shall carry to the credit of such account the sum so received by this act to be paid into the said Bank of England;

Bank to open an account with commissioners of treasury.

4. Of Compounding for Assessed Taxes.

59 Geo. III. c. 51.

Cashiers to receive compositions, and to enter same in account.

Persons paying annual compositions in advance, to receive a discount of 3*l.* per cent. per annum.

Certificates of Bank to be received by collectors as cash.

Assessors to deliver notices to all parties assessed in the last year; together with a printed form.

Persons desirous to compound to send applications to clerks of commissioners; who are to summon commissioners to take applications into consideration.

and the cashier of the Bank of England, who shall be tendered to him in payment of not less than one moiety annually payable on any composition, shall enter the same in the books provided for that purpose, and all such sums shall be paid to the names or name of the persons or person compounding, and the county, division, and parish, or place, mentioned in the certificate of composition; and the said cashier shall give to the person so compounding a certificate of such payment, specifying therein the half-yearly instalments thereby discharged, and referring to the names or name of the persons or person so compounding, and the division mentioned in the certificate of composition provided always, that it shall be lawful for any person so authorized as aforesaid, to pay, or cause to be paid in or to the governor and company of the Bank of England, or to the cashier or cashiers, any sum or sums of money compounded for, and payable for the term of one whole year, and to require the cashier or cashiers to give certificates acknowledging such payments; and it shall be the duty of the cashier or cashiers of the said Bank of England, on presentation of a certificate of composition at the time of payment of such sum or sums in advance (all sums then payable on such composition for the term of one year or instalment being first satisfied), to make an allowance of such sum or sums so paid in advance, at the rate of 3*l.* per cent. per annum, to be calculated for the period or periods by which each respective sum shall be paid sooner than the period prescribed by this act; and all such certificates made out by the cashier or cashiers of the governor and company of the Bank of England, as aforesaid, and indorsed and delivered by the persons or person so compounding, or one of them, of the parish or place where the same shall be referred to by the certificate of composition shall have the same effect as cash in satisfaction of the condition of the certificate, and allowed to them in their accounts with the receiver or his deputy, as aforesaid."

Sect. 12. "That the assessors acting in the execution of this act in relation to assessed taxes, shall, as soon after the passing of this act as can conveniently be done, give such notice of this act to the persons and person charged to the said duties, or any person so charged, by year ending the fifth day of April, 1819, as the commissioners of the said affairs of taxes shall devise and direct, or leave the same to be done by the her dwelling-house, or place of residence, or on the premises where the said assessment within the respective limits of such division, together with a printed form, to be used in applying to the clerk of the respective divisions by all persons desirous of compounding for their assessed taxes under this act, in such form as shall be directed as aforesaid; and all and every persons and person so compounding, shall distinguish, on such form, the name of the person or persons which they, he, or she, are or is desirous to compound, and the same with their, his, or her christian and surnames or surnames, in his, or her usual manner of writing the same, and cause the same to be delivered, free of charge, to the clerk of the commission wherein the said assessment hath been made; and the clerk of the division to whom such forms shall be received, shall number the same, and file the same, and with all convenient speed shall transmit the same to the commissioners on which such compositions are to be made, and shall cause the commissioners of their respective divisions to meet at a general meeting on some convenient day, not later than ten days after the day on which they shall have received notice of any such application to compound; and the said commissioners shall meet at their usual place of meeting at the time fixed by such summons, to take the applications into consideration, and so, from time to time, as often as such applications shall be made, and at such times as they shall deem necessary for the execution of this act."

In what cases composition may be rejected.

Doubts may be referred to commissioners for taxes, &c.

Half of the composition to be paid in ten days.

Limitation of time.

**Clerks to prepare
certificates of**

4. Of Compounding for Assessed Taxes.

59 Geo. III. c. 51.

Composition-monies to be raised under provisions of acts relating to assessed taxes.

compounding, in the presence of their clerk, or his assistant, attest the same; and two of the said parts shall be cut off in the third part, and from each other, one of which shall be delivered to the persons or person compounding, and the other thereof transmitted to the office of the commissioners for the affairs of taxes, and there to remain with the commissioners executing the same; and all certificates shall be made in the form to this act annexed."

Sect. 16. "That the several sums payable under or by composition to be made under this act shall be raised, levied, and accounted for, under the provisions and regulations of this act, or of any act or acts in force at the time of passing this act, in relation to assessed taxes, or of any act or acts to be passed in this session; and this act shall be construed in such manner, as to have the effect, as if the several provisions in the said acts in force at the time of passing this act, for raising, levying, paying, and accounting for assessed taxes, were expressly enacted in this act, except in so far as provisions are made under this act, for paying the said several sums contained in the compositions under this act, or shall be made under any act or acts to be passed in the present session of parliament; and every the powers, authorities, directions, clauses, matters, and things contained in such acts in force, as aforesaid, for levying, paying, and accounting for the duties of assessed taxes, shall severally be observed, practised, and put in execution throughout the several parts of England and Scotland respectively, as fully as if made to all intents and purposes, as if the same powers, authorities, directions, clauses, matters, and things were respectively repeated and contained in this act, and shall severally be applied, construed, deemed, and taken to belong to this act, in like manner as if the same had been enacted and expressly applied to the monies to be raised, paid, and accounted for under the compositions authorized by this act."

Commissioners acting under assessed tax acts to be commissioners for executing this act.

Other officers appointed under the same acts to execute this act.

Sect. 17. "That all and every the persons or person who shall be appointed or for the time being shall be, commissioners for putting in execution the said acts in relation to the assessed taxes, and who shall be specially qualified and authorized to act in the execution of the said acts, and shall have taken the oaths directed thereby, shall be charged with and for putting in execution this act, and the powers referred to in the said acts in all and every the respective counties, ridings, cities, boroughs, ports, towns, and places, privileged or not privileged, within Wales, and Berwick-upon-Tweed, and in all and every the shires, stewartries, cities, and boroughs in Scotland, and the several collectors, and clerks, respectively appointed or to be appointed under the said acts, in execution the said acts, and the several surveyors, in the said counties, ridings, cities, and boroughs, respectively appointed or to be appointed under the said acts, within the limits of their respective jurisdictions, to which they are or shall be respectively appointed, shall be assessors, collectors, clerks, surveyors, inspectors, and other officers, in general, to put in execution this act, according to the powers respectively given to them by this act, and they respectively are authorized, empowered and required to do all things necessary for putting in execution, with relation to the compositions to be made, and the monies to be raised under this act, in the like and in as full and as ample manner as they or any of them are or is authorized to put in execution the said acts, in so far as the said powers are respectively given to them by this act; and all the monies to be raised under this act shall be in the care and management of the commissioners for the affairs of taxes, or of any one or more of them, appointed or to be appointed by his majesty, his heirs or successors."

Treasury to allow additional salaries to surveyors, and discharge incidental expenses.

Sect. 18. "That it shall be lawful to and for the commissioners for the affairs of taxes, or any three or more of them, now or for the time being, to allow such additional salaries to any one or more of the several surveyors to be employed in the execution of this act, as they shall think fit, and also to discharge such incidental

as actually executing all matters and things directed to be performed by or under the commissioners acting in the execution of the said respective commissioners who shall perform within the times limited by this act, or by the said acts in and immediately before the passing of this act, shall have and as the receiver-general at the same times, and under the same and restrictions, the like poundage on the amount compounded under this act, as he would have been entitled to have and under the said act of the forty-eighth year aforesaid, for the like assessed taxes."

That from and after the date of any certificate of composition under this act, and during the continuance of the same in compositions under the said acts shall cease with respect to the person so compounding, except as hereinbefore is excepted; Abstracts of all and every certificates and certificate of composition within ten days after the first day of October in the present in each subsequent year during the continuance of any composition under this act, within one calendar month after the fifth day of the year, be prepared by the clerk to the commissioners who issued the said certificates, in such form as shall be devised and by the commissioners for the affairs of taxes; and the said clerk, or any two or more of them, shall yearly set their hands to the said abstracts, and deliver, or cause to be delivered, one of the copies of such certificates, together with warrants, under the seals of two or more of the said commissioners for collecting taxes to the persons respectively who shall be appointed to collect taxes for that year, and one other of the said abstracts to the clerk of the district for the time being, and the third of the said abstracts be kept by such clerk for the use of the said commissioners; the respective collectors shall not receive the sums payable by persons of composition with which they are respectively entering to the said abstract delivered to them respectively, or if the receiver-general or his deputy, or the certificate of the Bank of England, acknowledging the payment thereof, at the times mentioned in their warrants, it shall be lawful to and

All assessments to cease, except as before excepted.

Clerks to make out abstracts of composition for collectors to collect by.

If compositions not duly paid, collectors may distrain for arrears, with 1s. in the pound for their own use, and all costs and charges.

4. *Of Compounding for Assessed Taxes.*

59 Geo. III. c. 51.
Assessed taxes, the
amount of com-
position-monies.

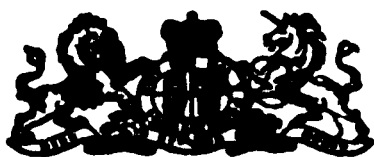
Composition-mo-
nies carried to
consolidated fund.

ward, and place, within their respective divisions, to be inserted in the annual duplicates of assessments of assessed taxes on parchment, in a column to be prepared thereon for that purpose, under the head "Taxes compounded for," in like manner as if the same amounts had been severally charged by assessment under one schedule of the said acts, in the same parish, ward, or place; and shall place the respective amounts payable in each parish, ward, or place, opposite the names of the collectors of the same parish, ward, or place, that the several collectors, and each parish, ward, or place, may be answerable for the same amounts, as if the same had been to be raised by assessment under the said acts."

Sect. 21. "That the monies arising by the compositions entered into under this act (the necessary charges of raising and accounting for the same excepted), shall from time to time be paid into the receipt of his majesty's exchequer at Westminster, to the account of assessed taxes, and shall be carried to and made part of the consolidated fund of Great Britain."

"SCHEDULES to which this Act refers.

"No.



"Know all men, that we, _____ of the commissioners acting in the execution of the acts in relation to assessed taxes, for the division of _____, in the _____, have contracted and agreed with _____, of _____, in the _____ county and division, in pursuance of an act passed in the 59th year of George the Third, for the composition of _____ assessed taxes, chargeable upon _____ at and for the annual sum of £ _____, being the amount of the said assessments and an additional rate of _____ pounds per centum per annum thereon, amounting together to the sum of £ _____, to be paid in to the receiver-general of the said division by two instalments;

Viz., 1st instalment, on or before the 1st day of October,

2d instalment, on or before the 1st day of April,

in each year, during and until the full end and term of three years, commencing on the 5th day of April, 1819.

"The condition of the above composition is, that the above-named _____ shall duly pay, or cause to be paid, to the receiver-general of the said division, or his lawful deputy, or one of them, on or before the days before mentioned, without demand, the yearly sum of £ _____, by two instalments, in even portions, taking his receipt for the same on each payment, and delivering the said receipts to _____, the collectors of _____, or one of them, in discharge of such payments; otherwise the said composition shall be levied of the goods and chattels of the said _____, or otherwise, as the said act directs.

"Signed,

} Commissioners of the
within Division.

"Witness,

"Clerk to the said Commissioners.

"The party hereto."

"No.



"Know all men, that we, _____ of the commissioners acting in the execution of the acts in relation to assessed taxes, for the division of _____, in the _____, have contracted and agreed with _____, of _____, in the _____ county and division, in pursuance of an act passed in the 59th year of George the Third, for the composition of _____ assessed taxes, chargeable upon _____ at and for the annual sum of £ _____, being the amount of the said assessments and an additional rate of _____ pounds per centum per annum thereon, amounting together to the sum of £ _____, to be paid into the Bank of England by two instalments;

Viz., 1st instalment, on or before the 1st day of October,

2d instalment, on or before the 1st day of April,

in each year, during and until the full end and term of three years, commencing on the 5th day of April, 1819.

condition of the above composition is, that the above-named 4. Of Com-
 pay, or cause to be paid, to one of the cashiers of the Bank of England, pounding for
 on the days before mentioned, without demand, the yearly sum of £ Assessed
 instalments, in even portions, taking the certificate of the said cashier for Taxes.
 on each payment, and delivering the said certificates to _____
 of _____, or one of them, in discharge of such payment; otherwise the
 position shall be levied of the goods and chattels of the said _____, or
 in the said act directs.

"Signed,

} Commissioners of the
 within Division.

"Witness,

"Clerk to the said Commissioners.

"The party hereto."



"Know all men, that we, _____ of the commissioners
 acting in execution of the acts in relation to assessed
 taxes, for the division of _____, in the _____, have con-
 tracted and agreed with _____, of _____, in the said
 county and division, in pursuance of an act passed in the 59th year of George
 the Third, for the composition of _____ assessed taxes, chargeable upon _____,
 and for the annual sum of £ _____, being the amount of the said assess-
 ment, and an additional rate of _____ pounds per centum per annum thereon,
 amounting together to the sum of £ _____, to be paid in to the collectors of the
 said _____ by four instalments:

Viz., 1st instalment, on or before the 5th day of July;

2d instalment, on or before the 10th day of October;

3d instalment, on or before the 5th day of January;

4th instalment, on or before the 5th day of April;

and year, during and until the full end and term of three years, commencing
 on the 5th day of April, 1819.

The condition of the above composition is, that the above-named _____ shall
 pay, or cause to be paid, to the collectors for the said _____, or one of them,
 on or before the days before mentioned, without demand, the yearly sum of
 £ _____, by four instalments, in even portions; otherwise the said composition
 shall be levied of the goods and chattels of the said _____, or otherwise, as the
 said act directs.

"Signed,

} Commissioners of the
 within Division.

"Witness,

"Clerk to the said Commissioners.

"The party hereto."

By the 1 Geo. IV. c. 73, s. 1, after reciting, that, "Whereas, by an act 1 Geo. IV. c. 73.
 passed in the fifty-ninth year of the reign of his late majesty king George
 the Third, intituled, 'An Act to relieve Persons Compounding for their
 assessed Taxes from an Annual Assessment for the Term of Three Years,'
 on the sixth day of January, 1820, all persons assessed to the said
 taxes for the year ending on the fifth day of April, 1819, were enabled to
 compound for the same, on the terms and conditions therein contained,
 and the respective commissioners for executing the acts relating to
 said duties at any time on or before the thirty-first day of October,
 1819: and whereas the commissioners for executing the said acts in seve-
 ral districts have executed and delivered contracts of composition after
 said thirty-first day of October, 1819, and in other districts have re-
 fused from persons desirous of compounding or entitled to have com-
 manded before the said thirty-first day of October, 1819, offers to com-
 pound under the terms and conditions of the said act, but may not have exe-
 cuted the same; and it is expedient that all compositions which have been
 entered into after the thirty-first day of October, 1819, should be con-
 sidered, and that the time should be extended for completing certificates
 of composition upon offers to compound under the terms and conditions
 of the said act, which were delivered to the said commissioners, or their
 respective clerks, under the regulations of the said act, on or before the
 twentieth day of November, 1819:" it is enacted, "That all certificates of
 composition which have been entered into and signed by the said respec-
 Certificate
 composi-
 tion
 entered into

and for horses.

Sect. 3. "That where any person or persons assessed in the year ending on the fifth day of April, 1819, for a carriage or carriages with four wheels, as described in the schedule marked (D.) No. 1, of the acts relating to assessed taxes, shall have entered into composition for the same under the said act, or shall enter into composition for the same under this act, and not for a carriage with less than four wheels, as described in the schedule marked (D.), No. 2, of the said acts, it shall be lawful for such person or persons to set up, keep, and use, during the period of three years, limited by the said act of the fifty-ninth year aforesaid, such carriage or carriages with less than four wheels, free of duty; where any person or persons shall in like manner have been assessed and compounded for any such carriage or carriages with less than four wheels, and not for any such carriage with four wheels, it shall be lawful for such person or persons to set up, keep, and use, during the like period of three years, any such carriage or carriages with four wheels, free of duty; where any person or persons shall have been so assessed for any carriage or servant as described in the schedule marked (C.) No. 1, of the said acts, and shall have compounded for the same under the said act of the fifty-ninth year aforesaid, or shall compound for the same under this act, it shall be lawful for such person or persons, during the period of three years, her, or their respective compositions, to retain, keep, and employ any male person or number of male persons described in any other schedule marked (C.) No. 2, or No. 3, of the said acts, free of duty; and where any person or persons shall have been so assessed in respect of any horse, mare, or gelding kept for the purpose of riding, or drawing a carriage chargeable with duty, as described in the schedule marked (C.) No. 4, of the said acts, and shall have compounded for the same under the act of the fifty-ninth year aforesaid, or shall compound for the same under this act, it shall be lawful for such person or persons, during the period of three years, her, or their respective compositions, to keep any horse

4. Of Compounding for Assessed Taxes.

1 Geo. IV. c. 73.
and, upon certificate, discharges in other districts allowed.

Compositions for houses and windows and other assessed taxes in one contract confirmed ;

and commissioners to distinguish the proportions of duty by indorsement on certificate.

Contracts entered into by party, may be signed by agent.

Such contracts binding, though not signed.

In what cases such certificates void; and assessments restored.

assessments, are hereby indemnified in so doing ; provided that in every case of composition to be executed after the passing of this act, two of the commissioners for the affairs of taxes shall, by their certificate, countersigned by their secretary, certify the same to the commissioners of the respective districts in which such composition shall be intended to be made, and in which the taxes shall be assessed, and upon such certificates being transmitted to the respective commissioners aforesaid, they are hereby respectively required to enter into such composition, or to vacate and discharge such assessments accordingly."

Sect. 7. "And whereas by the said first-recited act, passed in the fifty-ninth year aforesaid, it is directed that the duties on inhabited houses and on windows and lights contained in the schedules marked (A.) and (B.), or either of them, in the acts relating to the assessed taxes, shall be compounded for, separate, and distinct from all and every the other duties therein mentioned, by reason that, on the removal of the person compounding for the dwelling-house in respect of which the duties in the said schedules shall have been compounded for, the composition in respect of the said dwelling-house is directed to cease and determine on the fifth day of April next after such removal : and whereas in some cases the commissioners of certain districts have allowed persons to compound for all the said duties in and by one certificate of composition, without distinguishing the said respective duties ; be it further enacted, That in all such cases last mentioned it shall be lawful for any two commissioners acting for the division in which such certificate of composition shall have been entered into, and they are hereby required to certify, by indorsement on such certificate, and also in the abstracts of such compositions, the particular duties charged in respect of such dwelling-houses under the schedules (A.) and (B.) aforesaid, with the amount of the composition thereon, and to distinguish the same from the rest of the duties so compounded for, with the instalments payable on each description of duty, in like manner as if the same had been compounded for under separate certificates of composition ; and the same certificates of composition shall be enforced under the powers of the said act and this act, in respect to all or any part of the respective instalments thereby payable under the provisions of the said act or this act ; and all and every such certificates of composition shall be, and the same are hereby declared to be, as valid and of the same force and effect in respect to the continuance of the composition for each description of duty, and enforcing the payment of the same under the powers of the said recited act or of this act, to all intents and purposes, as if such composition for the duties on houses and windows had been made separate and distinct from the remainder of the said duties compounded for by such certificate under the provisions of the said act."

Sect. 8. "That where, by absence, sickness or other reasonable cause, persons who have given notice to compound under the said recited act passed in the fifty-ninth year aforesaid, may have been prevented from signing their respective contracts of composition, but have paid or discharged one or more instalment or instalments due thereon, it shall be lawful for him, her, or them to sign such contract or contracts himself or herself, or by any agent or agents to be appointed for that purpose by him or her, in writing under his or her hand, duly attested and certified to the commissioners acting for the district in which such composition shall be made ; and the appointment or authority for such agent to sign the said contract shall be free of any stamp duty, and the same being delivered to the commissioners of the said last-mentioned district, or their clerk, shall be a sufficient authority for the agent so appointed to sign such certificate of contract ; and all contracts on which any instalment shall be paid, although not signed by the party, or his or her agent, shall be binding on him or her, as if the same had been duly signed under the provisions of the said act ; and in all cases where certificates of composition prepared on notices by the parties compounding under the said recited act or this act, shall not be signed by such parties or their agents,

instalment or instalments shall not be paid thereon for the space 4. *Of Com-
months after the passing of this act, such certificates of compounding for
all be null and void, and the several commissioners in the Assessed
districts are hereby authorized and required to restore the Taxes.*

1 Geo. IV. c. 78.

it on such persons in respect of which such certificates of com-
were prepared and intended to be made, and to cause the same to
and collected to all intents and purposes as if notices of such
on had not been given by the persons so intending to com-
d neglecting to complete their compositions as aforesaid; and
h composition, or any portion thereof, shall have been made on
nent out of the jurisdiction of the commissioners parties to the
osition, then such commissioners shall certify the same to the
mers for the affairs of taxes, with the amount of the taxes so
l for, and the district of assessment; and the said com-
s for the affairs of taxes are hereby required to certify the same
nmissioners of the district of assessment, who shall, on receipt
use the said assessments to be restored, as well for the year in
composition was made, as for the subsequent and all future
l collected together with the other assessed taxes, as if notice of
position had not been given as aforesaid."

l. "That, in default of payment of the respective instalments on
osition entered or to be entered into under the provisions of
ecited act or of this act, on the respective days of payment spe-
be respective certificates of contracts for such compositions, and
t of the respective collectors to distrain for the same under the
f the commissioners, it shall be lawful for any such collector,
hereby required immediately upon any such default in payment
ch instalment, to deliver or cause to be delivered to the com-
s acting for the district in which such composition shall have
le, or to the receiver-general acting for the said duties, or
y, a schedule in writing, containing the particulars of such
ith an affidavit subscribed and verified by such collector before
issioner acting for the said duties, that the amount of such
t or instalments to be contained in such schedule is or are due
id to such collector, or to any other person for him, to the best
nowledge and belief; and every such schedule, being certified
hand of the receiver-general, or his deputy, of the county or
where the said arrears accrued, to the Court of Exchequer at
ster, shall be received and taken as sufficient evidence of a
to his majesty, and shall be a sufficient authority to the barons
d court, or any one of them, to cause process to be issued
ch defaulter named in the said schedule, to levy the whole sum
und unpaid by such defaulter; and the sheriff or other officer
he said process shall be directed, shall without delay cause the
in arrear to be levied by due course of law, as a debt to his
record, with all costs and expenses attending the same, and
the monies so levied, after deducting the said costs and ex-
o the said receiver-general or his deputy, and shall make
the said process to the said court, according to the due course

*In default of pay-
ment, a schedule
of arrears to be
given in.*

*Certificates of
schedule to be
ground of process.*

Costs.

o. "That the provisions and rules contained in the schedule
annexed shall severally be deemed a part of this act, as if
ision and rule had been inserted herein under a special enact-
*Rules in schedule
deemed part of
act.*

"The SCHEDULE (A.) to which this Act refers.

OF RELIEF to Effective Members of Corps of Yeomanry Cavalry.

Case.—Every effective member of any such corps, who at the time of
ito or giving notice to enter into composition for his assessed taxes
said acts, or either of them, who shall not by reason of such service
assessed for any horse, mare, or gelding, in the year ending the fifth

**4. Of Com-
position for
Assessed
Taxes.**

1 Geo. IV. c. 73.

day of April one thousand eight hundred and nineteen, shall be may exercise the like privileges in keeping and using mares or a mares, or geldings, free of duty, during the time he shall continue member, and shall use or provide such horse, mare, or gelding, geldings, in such service, as if such member had been assessed position for the same horse, mare, or gelding, or horses, mares payment annually of one shilling for every twenty shillings of exempted."

"Second Case.—Every effective member of any such corps one horse, mare, or gelding, and no more, and who hath not any other article mentioned in the acts relating to assessed tax horse excepted), may, within three calendar months after the puter into composition in respect of such one horse, mare, or geld annually of the sum of three shillings, computed from the fifth thousand eight hundred and nineteen, during the period of such his continuing in the said corps as such effective member."

"Third Case.—Every person who hath entered or shall enter for his assessed taxes under the said act or this act, and who is shall become an effective member of any such corps, shall be a manner as if no such composition had been entered into by him; all villages, immunities, and exemptions shall be granted and allowed, the following rules:—

"First Rule.—The amount of composition payable in pursuance in the first of the said cases shall be ascertained and the commissioners acting for the assessed taxes in the same dis composition shall have been made, and certified by them with indorsement on the certificate or contract of such composition tion thereof, and of the certificate of such effective service, as said acts relating to the assessed taxes, and which certificate returns for their respective districts are hereby required and done and sign accordingly; and the sum so charged and add of the said composition in and by such certificate, and to the shall and may be levied and recovered by the same instalment manner as the amount of composition inserted in the body of and in addition thereto."

"Second Rule.—The amount to be charged in the second tiered shall be inserted in each annual assessment for the sum in which the exemption shall have been claimed, and shall be with, and levied and accounted for as in other cases of assessed

"Third Rule.—The respective commissioners acting in the said acts in their respective districts shall, and are hereby required, on the production of the certificate of effective service in the manner prescribed by the schedule marked (E.) in the assessed taxes, and the certificate of contract and composition or persons, by certificate under the hands of any two of the to be indorsed on the said last-mentioned certificate, to remit the annual amount payable on such contract, but nevertheless year only in and for which such certificate of effective service produced, and such exemption shall have been acquired, a amount of duty for any such horse, mare, or gelding, horses, in respect of which such exemptions shall have been so any charge the amount from the abstract of composition prepared mmissioners, in like manner as they would have discharged a annual assessment for each particular year of exemption, in titions had not been entered into; and in all cases where such have been claimed and established for and in respect of the year of April, 1830, and the instalments on such composition shall that year, it shall be lawful for the said commissioners to cert duty so discharged by reason of the said exemption for the said year, with the same thereof, to the commissioners for the affairs of taxes; and in that case it shall be lawful for the said commissioners to order and direct the receiver-general of the county, riding, or division, in which such composition shall have been entered into, to repay the same to the party, which order shall be an authority to such receiver-general to make such payment, and the same shall be allowed in his account."

1 & 2 Geo. IV. c. 113, intituled "An Act to continue several the Relief of Persons compounding for Assessed Taxes from an assessment for a further Term, and to amend the Acts relating to Compositions and Compositions of Assessed Taxes," it is enacted, that the assessments made or to be made under and by virtue of the said act, at and immediately before the passing of this act, in relation to the duties on windows or lights and on inhabited houses, and assessments made or to be made in like manner, in relation to any of the duties of assessed taxes as may be comprised in any composition to be entered into under this act, for the year to end on the fifth day of April, 1822, shall severally be and remain to the same amount in respect of all and every the persons or person who compound for the annual payment of the said assessments under the said act for the term of six years, in respect of the said duties on windows and lights, and for the term of five years in respect of the other assessed taxes, to be respectively computed from the fifth day of April, 1822.

1. "That the several compositions entered into under the said act, on the duties on windows or lights, and on inhabited houses, renewed under the provisions of this act for the term of six years, to be computed from the said fifth day of April, 1822; and the compositions entered into under the said recited acts on the other duties of assessed taxes may, in respect of such of the said other duties as are herein enumerated, be renewed under this act for the term of five years, to be computed from the said fifth day of April, 1822, in the same manner and subject to the terms, conditions, and exceptions, herein contained."

2. "That every new contract of composition entered into under the said act, in respect of a dwelling-house, shall contain in the body thereof a declaration of the number of windows or lights in the dwelling-house, the annual rent or value thereof; and every such new contract entered into as aforesaid, in respect of the other duties of assessed taxes, shall contain in the body thereof the number of servants, carriages, and other articles of each such establishment, as aforesaid; and several contracts shall be made according to the form set forth in the schedule to this act, *mutatis mutandis*."

4. "That no composition shall be entered into or renewed under the said act for any duty or duties of assessed taxes, other than the duties on houses mentioned in the schedules of an act passed in the forty-second year of the reign of his late majesty, marked (A.) and (B.); and the duties of assessed taxes on the following articles, forming the compositions of the persons or person so compounding, and retained, and kept, and used for their, his, or her own use, and not for or to the benefit, or profit of any other person or persons, or to be lent or otherwise; viz., the duties on servants mentioned in the schedule of the said act, and in the schedule of another act, passed in the fifty-second year of his said late majesty, marked (C.) No. 1, and No. 2; on carriages mentioned in the schedules of the said acts respectively, marked (D.) No. 1, No. 2, and No. 4; on horses, mares, and geldings, mentioned in the schedules of the said acts respectively, marked (E.) No. 1, No. 3, and (F.) No. 1, whether such horses, mares, or geldings are to be kept at the rates mentioned in the said acts, or to any reduced duty by any subsequent act or acts; on dogs mentioned in the schedule of the said act, marked (G.); on persons in respect of using or wearing hair-dresses mentioned in the schedule of the said act, passed in the forty-second year of his late majesty king George the Third, marked (I.); and on persons in respect of using or wearing armorial bearings or ensigns, mentioned in the schedule of the said last-mentioned act, marked (K.); and every such composition which shall comprise any other duty or duties not herein enumerated shall be void and of no effect in respect of the said duties, and for which the parties shall be subject to assess-

4. *Of Compounding for Assessed Taxes.*

1 & 2 Geo. IV. c. 113.

Assessments for year ending 5th April, 1822, to remain at same amount, if compounded for, in respect of matters herein mentioned.

Compositions under former acts may be renewed, subject as herein mentioned.

Contents of new contracts of composition.

Enumeration of articles to be compounded for under this act.

4. *Of Compounding for Assessed Taxes.*

1 & 2 Geo. IV.
c. 118.

Persons assessed to duties on houses for year ending the 5th April, 1822, may compound on amount assessed in that year, paying an additional duty of 5*l.* per cent.

Exception as to taxes in respect of articles kept for trade, &c.

Compositions for duties on dwelling-houses to be renewed on same terms.

Compounders on the other assessed taxes may renew the same, with a further duty of 5*l.* per cent.

Persons desirous of continuing their former compositions, to deliver their contract or copy, with notice, before the 5th of April, 1822; and insert schedule of articles not to be compounded for.

ment as if no such composition had been entered into, and laws in force relating to such assessments."

Sect. 5. "That all and every the persons or person not compounded under the said recited acts, who shall be duly assessed year ending on the fifth day of April, 1822, to the rates and liable under the acts relating to assessed taxes, are and is he to be competent to compound for the rates and duties assessed on his, or her dwelling-house for the term of six years, and for her other assessed taxes herein enumerated, for the term respectively, to commence from the said fifth day of April, same amounts annually, as shall be assessed on them, him, year ending on the said fifth day of April, 1822, together with an additional annual duty of 1*s.* for every 20*s.* of the respective amount assessed, and so after that rate for any greater or lesser sum as not to include in the said additional duty any fraction of 1*d.*"

Sect. 6. "That no composition shall be entered into or renewed under this act with any person in trade, in respect of any article or articles for the purpose of trade; nor shall any composition be entered into or renewed in respect of an assessment charged upon two or more persons in partnership; nor shall any composition under the said recited acts, with partners in trade, be renewed under this act; nor upon a horse, mares, geldings, or other articles let or used for hire."

Sect. 7. "That all and every persons or person who shall be compounded for the duties on their, his, or her dwelling-house, and lights, under the said recited acts, continuing to reside in the same dwelling-house, and is hereby declared to be competent to renew their, his, or her composition under this act, for the same dwelling-house, on the same terms and under the same terms and conditions as are expressed in their, his, or her former composition."

Sect. 8. "That all and every persons and person, except as is excepted, who have or hath compounded under the said recited acts, are and is hereby declared to be competent to renew their, his, or her composition, as to so much and such part thereof as relates to the articles herein enumerated, on the amount of duty charged on the same articles, and comprised in the said former compositions together with the additional rate of duty of five *per centum* therein in respect of the said articles, which several sums shall be the aggregate amount on which any such composition under the said acts shall be renewed; and the terms and conditions of such renewal shall be the same as are expressed in the said former compositions, and a further duty of 1*s.* for every 20*s.* of the said aggregate amount, and a rate for any greater or lesser sum than 20*s.*, so as not to include in the said further duty any fraction of 1*d.* in the said further duty; and the duties on the articles herein enumerated nor compounded for as aforesaid shall continue to be assessed as if this act had not been made."

Sect. 9. "That all and every person or persons who are or are declared to be competent to renew his, her, or their former composition under this act, and shall be desirous so to do, shall, on or before the fifth day of April, 1822, in England, and on or before the tenth day of April, 1822, in Scotland, deliver or cause to be delivered to the commissioners of the district in which such person or persons reside, or to the clerk of such commissioners, the contract or copy of their former composition, or a true copy or certificate thereof, in the hands of any two of the commissioners acting for the division in which such contract was entered into, annexing thereto a notice in the form in the schedule to this act annexed, declaring his, her, or their intention to renew the same; and in case the said composition includes any articles not to be compounded for under this act, then and in every such case the person or persons desirous of renewing his, her, or their composition, shall insert in the said schedule of the number of articles contained in such compo-

state for the distribution of estates of intestates, or by marriage thereupon retained any servants, carriages, horses, or which may be comprised in any composition to be entered under this act, or hath kept any servants, carriages, other articles aforesaid, of the same description and chargeable duties by the acts relating to assessed taxes, to an extent a total amount of such composition in the sum of twenty-five a lieu and in the place of the like articles kept by the person so y part thereof: provided, that nothing herein contained shall to authorize the said respective commissioners to contract wal of any composition, under the terms and conditions last ioned, with any person who shall have compounded under ited acts on a less amount of duty than ought to have been such composition; but nevertheless it shall be lawful for the ve commissioners in every such case, after any such person ade a *bona fide* return of the greatest number of servants, nes, and other articles of his or her assessed taxes, according in force relating to the said taxes, for the year to commence a day of April, 1822, in order to an assessment thereon for ed who shall be duly assessed for that year to his or her s, to contract and enter into composition *de novo* with such a amount assessed for that year on him or her, in respect of herein enumerated, together with the additional duty hereby be amounts of other assessments compounded for under this

but may contract *de novo*, on next year's assessment.

The like as to persons who have compounded on a less amount of duty than ought to have been included.

*That all and every persons or person assessed to the duties or her dwelling-house, for the year ending the fifth day of

Persons assessed and increasing windows;

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 112.

also persons removing into a dwelling-house, and not assessed there, may compound on assessment for succeeding year.

Persons beginning to keep, or increasing an establishment in 1821, may compound on assessment of the succeeding year.

Proviso for exclusion of articles discontinued and ceased to be kept.

Renewed composition not to extend to articles of a different description from former composition.

Composition for additional articles.

April, 1822, and who shall have opened or made, or shall open or any additional windows or lights in the same, after the fifth day of 1821, and having made such addition as aforesaid, who shall deliver a statement as hereinafter required, of the number of windows or opened or made in their, his, or her dwelling-house, after the said day of April, 1821; also, all and every persons or person who shall removed or shall remove from their, his, or her dwelling-house, at any time within the year ending the fifth day of April, 1822, and who shall be assessed for that year for the dwelling-house into which they, or she shall have removed during that year, but who shall deliver a statement as aforesaid, of the number of windows or lights in such dwelling-house, and the rent or annual value thereof at which the same is liable to the said duties, are and is hereby declared to be respectively competent to compound for the said rates and duties on the amount chargeable on such dwelling-house in or by such assessment as shall be made thereon, for the year commencing from the fifth day of April, 1822."

Sect. 13. "That all and every persons or person who shall have to keep, use, or employ any servants, carriages, horses, or other articles before enumerated, or any additional number thereof, in the year ending on the said fifth day of April, 1822, and who shall deliver a statement as hereinafter is required, of the number of servants, carriages, horses, and other articles aforesaid, so that an assessment may be duly made for the year to commence from the fifth day of April, 1822, are and is hereby declared to be respectively competent to compound under the said act on the amount charged in and by such assessment to be made for the said year, to commence on the said fifth day of April, 1822, on the same terms and conditions as if the said persons or person had been so assessed for the preceding year."

Sect. 14. "That nothing in this act contained shall be construed to extend any composition under the same to any part of any inclosed establishment set up by any person or persons who hath or have compounded under the said recited acts, which shall, in pursuance of the said act of the fifty-ninth year of his said late majesty, or any other act, be discontinued and ceased to be kept in the manner provided by the said act, and which would not have been assessable on the said person or person on the year to commence after the fifth day of April, 1822."

Sect. 15. "Provided also, that nothing in this act contained shall be construed to extend any renewed composition under the same, to any articles of a different description than is authorized by the said act to be entered into under the said recited acts, which shall have been so entered since the making of the said composition, but every such person shall be assessed for the said articles, as if the said former composition had not been renewed; but nevertheless it shall be lawful for any person who shall have been assessed for the said additional articles for the year ending the fifth day of April, 1822, or shall be assessed for the same for the subsequent year, and who shall renew his or her former composition, also to compound for the said additional articles, on the amount of such assessment, and the additional rate granted by the said act, by entering into a separate contract for the said articles so assessed."

Sect. 16. "That all and every persons or person who shall have compounded under the said recited acts for the articles of their, or her establishment, and shall have removed from the division where the former composition was entered into, and who shall be desirous to renew their or his or her composition under this act, in respect to the same establishment, shall deliver to the commissioners of the division where they, he, or she shall reside, the contract of their, his, or her former composition, or a true copy or certificate thereof, under the hands of any two of the commissioners entering into the said contract, annexing thereto a notice according to the form in the schedule to this act annexed, declaring his, her, or their intention to renew the

all then be lawful for the said commissioners to renew the 4. *Of Com-*
 according to the provisions of this act, in like manner as if the *pounding for*
 per composition had been entered into by the commissioners *Assessed*
 vision where the same is intended to be renewed." *Taxes.*

7. "That all and every persons or person entering into any com- 1 & 2 Geo. IV.
 according to the provisions of this act, and paying the amount c. 113.
 was compounded for at the times and in the proportions and Compounders en-
 as specified in the said recited acts and in this act, and doing titled to the like
 forming all other acts, matters, and things required by the said privileges as un-
 acts and this act, shall be entitled to the like privileges of der former acts.
 making, or keeping open, free of duty, after the fifth day of
 21, any additional number of windows or lights in the dwelling-
 comprised in their, his, or her contract of composition, or of setting
 taining and keeping, using, or employing, after the said fifth
 April, 1822, any additional article or articles composing their,
 or establishment, to and for their, his, or her own use, but
 wise, as the persons compounding under the said recited acts
 are entitled to according to the provisions of the said acts, or
 them, and not otherwise provided by this act; and shall be
 from all assessments on such additional windows or lights,
 additional article or articles of their, his, or her establishment,
 the respective terms mentioned in such composition: provided Exceptions.
 that no persons or person who shall compound under this act
 on any carriage with two wheels, and not on any carriage
 wheels, shall be entitled to set up, keep, or use any carriage
 wheels free of duty: provided also, that no person who shall
 for any dog or dogs other than hounds, shall set up or keep
 any hound or hounds; nor shall any person who shall com-
 any less number of hounds than ten, set up or keep free of
 additional number of hounds: provided also, that the privileges
 nities in this clause mentioned shall not extend to any dwelling-
 comprised in the said composition, nor to any article or articles
 establishment, specially excluded by this act from every compo-
 made under the same, in which excepted cases further or
 charges shall and may be made, and the fines, penalties, and Penalties, &c.
 incurred under any of the said acts relating to assessed taxes how sued for.
 may be sued for, prosecuted, and recovered according to the
 of the said several acts, as fully and effectually as if no such
 had been made under this act."

"That the compositions to be entered into under this act for Compositions on
 on windows or lights, or on inhabited houses, although en- houses, &c., al-
 same contract, shall be deemed and construed to be separate though in same
 contracts from the compositions entered into in respect of the contract, deemed
 servants, carriages, horses, or other articles aforesaid, which distinct composi-
 compounded for under this act; and every such composition for tions.
 on any dwelling-house, in respect of the windows or lights, or
 ited house, shall be entered into by and with the commissioners
 the parish or place where such dwelling-house shall be situate,
 where; and every such composition in respect of the servants, Compositions on
 orses, or other chargeable articles, forming the establishment the other assessed
 persons or person in any part of England, shall be entered into taxes one con-
 the same commissioners, and in one contract; and the like tract.
 as in Scotland shall also be entered into by and with the same Scotland.
 ers, and in one contract: provided, that all and every persons
 who shall be assessed for any servants, carriages, horses, or
 eable articles aforesaid, for the year ending the fifth day of
 , in two or more places in Great Britain, or who shall be Provision for per-
 that year, or shall have compounded under the said recited sons assessed in
 fferent place than where they, he, or she, be entitled to com- two or more
 or this act, shall and they are hereby respectively required places; or who
 ause to be delivered to the commissioners to whom such ap- have compounded
 in a different di-
 vision from that

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 113.

where they are
entitled to renew.

Scotland.

Compositions on
houses may be
compounded for
separately, and so
may other taxes.

Compounders not
liable to penalties
of assessed tax
acts.

Exceptions.

Persons not com-
pounding occupy-
ing houses or
keeping articles
compounded for
by other persons,
liable to duty.

Treble duty in
cases of fraud.

plication to compound shall be made, a certificate or certificate of the respective surveyors of the districts where the shall be so assessed or have compounded under the said containing the particulars of such assessment or composition such other division or place, according to such forms as shall be by the commissioners for the affairs of taxes, pursuant to the every composition entered into or renewed contrary to the provisions fore mentioned, shall be vacated and made of no effect, by the of the commissioners for the affairs of taxes, as to compositions in England, and of the barons of the Exchequer in Scotland, as to compositions made in Scotland, on due proof before them by like certificate such assessment for the said year, or of any composition under the recited acts, which respectively shall not have been certified by the commissioners, parties to any such composition, nor comprised therein, it shall be proved to their satisfaction respectively, that the same was made by error or mistake; in which cases the said barons and commissioners for the affairs of taxes respectively may consent that a new composition shall be entered into, to take effect from the fifth day of April, provided always, that nothing herein contained shall be construed to exclude any person from compounding for the duties on the house, without compounding for his or her other assessed taxes *versá*."

Sect. 19. "That all and every persons or person compounding under this act, shall be freed and discharged from all penalties contained in the said acts relating to assessed taxes on persons for non-performance of any matter or thing required by any act or acts to be done by persons chargeable to the duties therein, during the term herein limited, save and except the person who, in his or her returns, made under the acts relating to assessed taxes, shall conceal any servant or servants, carriage horse or horses, or other article or articles herein enumerated, or he or she shall have escaped assessment for such servant, carriages, servants, carriages, or horses, or other article or articles aforesaid, for any year ending the fifth day of April, 1822, or who in his or her lists, and declarations, to be delivered under this act, shall not declare such article or articles aforesaid, so that he or she shall not be liable to the like penalty as if such person had not compounded under this act, and had continued liable to assessment under the acts relating to assessed taxes."

Sect. 20. "That if any person who shall not compound under this act, shall, from and after the fifth day of April, 1822, occupy a house, or retain or keep for his or her own use any article or articles chargeable with any duty under the acts relating to assessed taxes, which have been compounded for by any other person or persons, or which have been taken up, retained, used, employed, or kept by such other person or persons under their, his, or her composition, or under colour or pretence that the same dwelling-house or other article or articles aforesaid do not belong to the person or persons so compounding, and who has not been compounded for by the person so occupying the said dwelling-house or retaining, using, employing, or keeping the said article or articles chargeable as aforesaid, nor under his or her composition shall be liable to an assessment in respect of the said dwelling-house or article or articles aforesaid, at the time of his or her occupation thereof, and also in respect of any article or articles aforesaid, in like manner and to the like amount as if no composition had been made by such other person or persons, and on due proof before the commissioners that the same have

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 113.

so in case of coming into possession by marriage.

Proviso for composition *de novo* for remainder of term.

Commissioners, &c. under the former composition acts, to act in execution of this act.

riages, horses, or other articles aforesaid, than hath been compounded by him, the duties on which increased number, according to relating to assessed taxes, amount unto one fourth part of the duty so compounded for, then and in every such case the composition entered into under this act, by any persons or person herein prescribed, shall respectively cease and determine at the end of the assessment, according to the acts relating to assessed taxes, in such increase of his or her establishment took place; also, if a person shall intermarry after entering into any composition or composition under this act, and entered into by both or either of them, and the husband or wife by such marriage come into the possession, or to the use or enjoyment of the rents or profits of any estate, real or personal, belonging to him or her before marriage, whether upon such marriage the husband shall retain any interest in law or equity in such estate or not, or whether the estate shall remain in or be vested to the sole use of the wife, in case the husband shall upon such marriage retain or keep any carriages, horses, or other articles herein enumerated, kept by or to his wife before marriage, or in case the wife shall after such marriage retain her former establishment, or any part thereof, or in case the husband or wife shall upon such marriage begin to keep any other carriages, horses, or other articles herein enumerated of the same value, and chargeable to the like duties, by the said acts relating to assessed taxes, in lieu and in the place of the establishment or establishments before marriage, or any part thereof, or so that the separate estate of either husband or wife, or their joint establishment, would be assessable on the husband, if no composition had been entered into, the amount of duty exceeding one fourth part of such composition entered into in every such case the composition entered into under this act by any persons, or either of them, so intermarrying and keeping any establishment as aforesaid, shall respectively cease and determine at the end of the year of assessment in which such increased establishment shall be kept; but, nevertheless, it shall be lawful for the respective commissioners in every such case, after such person shall have made a return of the greatest number of servants, carriages, horses, articles of his or her establishment charged with any duty or assessed taxes according to the laws in force relating to the said taxes, for the year next after the determination of such composition, in order to determine the amount thereon for that year, and who shall be duly assessed for the same to his or her assessed taxes, to contract and enter into composition *de novo*, with any such person for the remainder of the term then to run, or unexpired on the amount so assessed on him or her for that year, with the additional duty hereby granted on the amounts of other duties or duties to be compounded for under this act."

Sect. 25. "That the several persons who for the time being are commissioners for putting in execution the acts relating to assessed taxes, shall be commissioners for putting in execution this act, and the provisions here referred to or contained, in all and every the respective parishes, ridings, divisions, shires, and stewartries, cities, boroughs, counties, towns, and places in Great Britain; and the several assessors, surveyors, inspectors, and inspectors-general for the time being appointed or to be appointed to put in execution the said acts shall respectively be assessors, collectors, surveyors, inspectors, and inspectors-general to put in execution this act within the limits of their respective divisions, districts, and places to which they are or shall be appointed, and the respective commissioners and other persons authorized by the said recited acts to contract and agree for such compositions, or perform any other matter or thing for carrying the said recited acts into execution, shall severally and respectively contract and agree for such compositions to be entered into under this act, and do and perform any other matters and things as are required to be done and performed for the execution of this act, within the limits of their respective jurisdictions."

and all the powers and authorities given and granted to them by or 4. *Of Com-*
under the said recited acts shall, and they are hereby declared to be *standing for*
revised and continued for and during the respective terms herein limited, *Assessed*
in as ample and effectual manner as if the same powers and authorities *There.*

all severally be applied,
i act, as part thereof, in
only given, granted, and
were and others before-
to do and perform all
as, in the like and in as
in are, or were, or was
cited acts."

Directions, rules, regula-
tions in the said recited
acts made under the
expressly be construed
entered into under this
laws, rules, regulations,
made in and by this act)
recited in ascertaining
made, and the additional
bearing all other matters
execution, and shall be
t, as part thereof, in like
and expressly applied to
persons, directions, rules,
are substituted by this
, regulations, methods,
i acts, the same respec-
tively manner, and to the
is and this act had been
brogated and made void
hereof any part or parts

1 & 2 Geo. IV.
c. 112.

Provisions of the
said compounding
acts to remain in
force.

Sect. 27. "That where the said recited acts contain any period or limita-
tion of time for the doing or performing of any act, matter, or thing
therein required, the powers and authorities of the said acts shall be used
and practised for the doing and performing the like acts, matters, and
things required by this act, observing therein the period or limitation of
time expressed in this act."

So with respect to
limitation of time

Sect. 28. "That all and every persons or person who are or is hereby
declared to be competent to compound under this act, and shall be de-
scribed so to do, shall, on or before the fifth day of April, 1822, in England,
and on or before the term of Whitsunday in the same year in Scotland,
deliver or cause to be delivered, free of charge, to the surveyor of the re-
spective districts acting for the parishes or places where such persons shall
respectively reside, a notice in writing according to the form in the sche-
dule to this act annexed, declaring their, his, or her intention to take the
benefit of this act, which notice shall be signed and bear date on the day
of such signature by such person or persons (or by some authorized agent
on their, his, or her behalf, residing in such district, and declaring therein
the place of his residence), in the presence of one or more of the assessors
or collectors of the said duties for the same parish or place where the
persons or person intending to compound shall reside, or in the presence
of such surveyor, who respectively shall attest such signature by signing
the same with his proper name; and every such notice shall contain the
number and description of the articles on which such persons or person
shall intend to compound, which notices shall be in the form in the sche-
dule to this act annexed; and all such notices shall and may be retained
in the hands of the said surveyor respectively, until the expiration of two
calendar months after delivery thereof; and every such surveyor shall

Persons intending
to compound to
give notice there-
of, together with
statement of arti-
cles of compo-
sition, in form in
schedule.

Surveyor to exa-
mine assessments
&c., and certify to
commissioners

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 113.

his satisfaction
with or objection
to notice.

Compositions
contrary to this
act void.

Errors in compo-
sitions may be
amended.

Commissioners to
insert in annual
duplicates of as-
sessed taxes, the
amount of duty
compounded for.

Composition to be
paid to collectors
of places men-
tioned in con-
tracts.

Persons com-
pounding, an-

carefully and diligently inspect and examine each and every and each and every contract of composition entered into in pursuance of the said recited acts, relating to the person or persons so applying and also the notice or notices delivered by the said persons under the said recited acts, to discontinue any increased estate or interest up under such contract or contracts, or any part thereof; and on examination thereof, every such surveyor shall from time to time during the said period of two calendar months, deliver the same to the respective commissioners authorized by this act, for such compositions for the parishes or places where such compositions shall have been made, either his satisfaction with the notice delivered in such cases, or his objection thereto, together with the particular articles omitted, and the amount of duty on which such composition is to be made; and no composition shall be entered into in any case objected to, until a full and complete return shall be made of the articles chargeable with duty, on which the composition is made under the provisions of this act; and every composition made contrary to the provisions of this act shall be void and of no effect, and the persons or person entering into the same shall be liable to be assessed according to the provisions of the acts in force relating to the same as if no composition had been entered into, and to the charges of the respective surveyors, to be made under the authority and provisions of the said last-mentioned acts."

Sect. 29. "That in every case where, by any error or mistake, the amount of duty on which the persons or person compound, or the additional rate thereon, shall not be duly calculated in the contract of composition, it shall be lawful for the commissioners for the affairs of taxes, and the said barons and knights by certificate under the hands of any two or more of them, or the commissioners of the division by whom such composition was made, to cause the same to be amended, or a new contract made in such manner as may seem to them expedient to obviate the mistake, and conformable to the true intent and meaning of the said respective commissioners to whom such certificate is directed, shall cause the same to be amended accordingly."

Sect. 30. "That from and after the passing of this act, the commissioners acting in the execution of the several acts relating to assessed taxes, and of the acts relating to the several compositions, shall cause the several amounts of the duties compounded, and the additional duty charged by this act, in each parish, ward, or place, within their respective divisions, to be inserted in their annual returns of assessments of assessed taxes, on parchment, in such form as the commissioners for the affairs of taxes shall devise, in like manner as if the same amounts had been severally charged by assessment, and the respective amounts payable in each parish, ward, or place, and the names of the collectors of the same parish, ward, or place, and the several collectors in each parish, ward, or place may be altered, and the same amounts as if the same had been to be raised under the said acts."

Sect. 31. "That the monies to arise and become payable under the compositions entered into or renewed under this act, shall be paid to the collectors of the respective parishes, wards, or places mentioned in the respective contracts of such compositions, at or before such times respectively as are herein expressed in such contracts; and that all the powers and authorities by the said acts relating to assessed taxes for the raising, levying, paying, and accounting for the duties of assessed taxes, shall be applied, and enforced for the raising, levying, paying, and accounting for the monies to arise under this act, as if the same had been charged by assessment; and that the persons assessed, or who shall be assessed, in each such parish, ward, or place, shall be severally answerable for the same."

on the respective persons charged therewith, either to such collectors, or to any other person or persons for such collector or to the best of his or their knowledge and belief, which oath the receiver-general, or their respective deputies, are hereby respectively sworn, and required to administer and subscribe; and it shall be the duty of the respective receivers-general, or their respective deputies, and they are hereby required, forthwith to certify the same to the Court of Exchequer at Westminster, in order that process may thereupon be issued against the defaulter without delay."

1. "That in default of any such schedule being delivered to any receiver-general, or his deputy, at such his receipts as aforesaid, or within of three days thereafter, every such receiver-general, or his deputy, at the same time that he shall certify the default of the collectors for non-delivery of schedules under any acts relating to assessed taxes, shall by the same certificate, and every receiver-general is hereby required by himself or his deputy, to certify also to the said Court of Exchequer, the amount of the monies to arise by the said compositions remaining unpaid, to the best of his knowledge and belief, and the parish, ward, or place, and the division, where such failure hath taken place, together with the names of the collectors of the said parishes, wards, or places."

"That from and after the passing of this act, every certificate of default of any receiver-general or his deputy, of any default of any collectors of the assessed taxes, or of the monies arising from the said acts or this act, for non-delivery of a schedule directed by the said acts or this act, shall be a sufficient authority to the barons of the said court, or any one of them, to cause immediate process to be issued out of and from the office of the king's clerk of the said court, against the said collector or collectors; and writ, the sheriff or other officer to whom the said process shall be directed, shall levy issues after the rate of 1s. for every 20s. of the sum or sums unaccounted for by the said certificate, and shall pay the same, after deducting the costs, charges, and expenses, to be allowed by the commissioners for the affairs of taxes, to the receiver-general or his deputy; and the said sheriff shall make immediate

Collectors in default for non-delivery of schedules, to be certified to the Court of Exchequer.

Certificate to be an authority to court to issue process.

4. *Of Compounding for Assessed Taxes.*

1 & 2 Geo. IV.
c. 113.

Composition monies to be paid into consolidated fund.

Proviso for butchers in certain cases.

Provisions of act may be extended to Ireland.

Schedule annexed deemed part of act.

or which, after the passing of this act, shall be recovered, levied, or received under the said acts or this act, shall be paid by all sheriffs, sheriffs, or other the person or persons having received or recovered who shall receive or recover the same respectively, into the hands of the receiver-general of the said duties and compositions, or to his deputy for the county, division, city, or place within which such fines, penalties, issues, and forfeitures, or shares thereof, respectively have arisen, have been received or levied, or shall arise and be received or levied, within ten days after they respectively shall receive any order in that behalf made in pursuance of the said acts, or for the purpose under the hands of any two or more of the said commissioners for the affairs of taxes, or to such other receiver-general of the said duties and compositions for assessed taxes, to be named in the said order, as the said commissioners last mentioned shall direct."

Sect. 36. "That all the monies arising by compositions entered into under the said recited act or this act, (the necessary charges of raising and accounting for the same excepted,) shall from time to time be paid to the receipt of his majesty's Exchequer at Westminster, to the account of assessed taxes in Great Britain, and shall be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland."

Sect. 37. "That from and after the fifth day of April, 1821, no exemption from the said recited acts contained shall extend, or be construed to extend, so as to deprive any butcher of any exemption for or on account of one ox or cow, to be used by him or his servant or servants solely for the purposes of the said acts, to which exemption such butcher would have been entitled under the said acts or acts relating to assessed taxes, in force previous to the passing of the said recited act."

Sect. 38 enacts, that the Treasury may direct the extension of the provisions of this act, for relief of persons in Ireland compounding for assessed taxes for further periods, in the manner therein mentioned.

Sect. 39. "That the schedule hereunto annexed shall be deemed to be part of this act, as if the same had been inserted herein under a special name: provided always, that it shall be lawful for the commissioners under this act to use the said form as well where the composition shall be for all the duties therein mentioned, or a part or parts thereof, only, as for any one or more of them, and to omit out all such part or parts thereof as may not relate to the duties intended to be included therein."

"The SCHEDULE to which this Act refers.

"No. I.

"NOTICE to be used by Persons desirous of Compounding for their Assessed Taxes.

"To _____, surveyor, acting for the parish of _____, in the division of _____, in the county of _____, and to the commissioners acting for the said division.

"Take notice, that I am [or, we are] desirous of compounding for _____ taxes under the powers, conditions, and provisions of an act passed in the _____ year of the reign of George the Fourth, on _____ dwelling-house _____ as _____ blishment in the said _____ of _____; the particulars of which are as follows, viz. :

Dwelling-House situate in the said parish . . .	Number of Windows
	Amount of Rent . . £

<i>Articles included in</i>	<i>former Composition.</i>	<i>Nos.</i>	<i>Duty.</i>
<i>Persons in</i>	<i>employ charged under Schedule (C.), No. III.</i>		
	<i>(C.), No. IV.</i>		
	<i>Schedule (D.), No. III.</i>		
	<i>Do. (D.), No. V.</i>		
<i>Articles kept for the purpose of</i>	<i>Do. (D.), No. VI.</i>		
<i>trade, charged under</i>	<i>Do. (E.), No. II.</i>		
	<i>Do. (F.), No. I.</i>		
	<i>Do. (H.)</i>		

" Signed, the day of 18 .

" Witness,

" Assessor or collector of the }
parish of ."

" No. III.

" NOTICE to be used by Persons entitled to Compound on a lesser Establish-
ment than is comprised in their former Composition.

" To , surveyor, acting for the parish of , in the division of
in the county of , and to the commissioners acting for the
said division.

" Take notice, that I [or, we] have, before the sixth day of April [1821],
laid down , part of establishment, on which have compounded
under the act of 59 Geo. III., enumerated in the following schedules, and

4. Of Com-
pounding for
Assessed
Taxes.

desirous of compounding for the reduced establishment now kept by
on which compounded, also enumerated in the said schedule.

ESTABLISHMENT laid down since the former Composition.		
		No. ceased to keep before the 6th April, 1821.
		Retu and no
Servants	Schedule (C.), No. I.	
Servants	Schedule (C.), No. II.	
Four-Wheel Carriages .	Schedule (D.), No. I.	
Two-Wheel Carriages .	Schedule (D.), No. II.	
Taxed Carts	Schedule (D.), No. IV.	
Horses for Riding . . .	Schedule (E.), No. I.	
Race-Horses	Schedule (E.), No. III.	
Dogs	Schedule (G.)	
Hair-Powder	Schedule (I.)	
Armorial Bearings . . .	Schedule (K.)	

And that will attend to execute and receive the contract of
sition when required by the commissioners.

“ Signed, the day of , 18 .

“ Witness,

“ Assessor or collector of the }
above-named parish.”

“ FORM of Contract of Compositions under the Act of the 2nd Ge

	Amount of Duties.	
Windows Number .		
Rent Amount £		
Total Amount of Duties		
Composition Duty of £5 per Cent.		
Total Amount of Composition .		
ESTABLISHMENT.		
Nos. Schedules.	Amount of Duties.	
Servants (C.), No. I.		
Servants (C.), No. II.		
4-Wheel Carriages (D.), No. I.		
2-Wheel Carriages (D.), No. II.		
Taxed Carts (D.), No. IV.		
Horses for Riding (E.), No. I.		
Race-Horses (E.), No. III.		
Dogs (G.)		
Hair-Powder (I.)		
Armorial Bearings (K.)		
Total Amount of Duties		
Composition Duty of £5 per Cent.		
Total Amount of Composition for Establishment		
Ditto for House		
Total Amount of Composition .		

Know all men, that we, two
sioners acting in the executi
in relation to assessed taxes
of , in the county of
tracted and agreed with
the said division, in pursu
passed in the second year
Fourth, for the composition of
taxes, as stated in the mar
additional rate.

Which several amounts an
the collectors of the said
stalments; viz.

1st instalment, on or b
day of October.

2nd instalment, on or befo
of April.

And so yearly during the
of six years and five years,
day of April, 1822, mentio
act.

“ The condition of the above composition is, that the above named
cause to be paid, to the collectors for the said , or one of them, on or befo
mentioned, upon demand, the yearly sum of , by two instalments, in eve
their or his receipt in writing for the same; otherwise the said composition sh
goods and chattels of the said , or sued for and recovered by any of t
by which the monies due on assessments may be sued for and recovered.

“ Witness, } Commissioners of the
“ Clerk.

“ Witness, }
“ Clerk. The party hereto.”

“ N.B.—With the consent of the commissioners, the collector of the pari
signature of the party to the contract.”

By the 3 Geo. IV. c. 50, s. 1, intituled “ An Act to extend the Peri
allowed to Persons compounding for the Assessed Taxes, and to gi
further Relief in certain Cases therein mentioned,” after reciting, th
“ Whereas by an act passed in the first and second year of the reign
his present majesty king George the Fourth, intituled ‘ An Act to co
tinue several Acts for the Relief of Persons compounding for Assess

4. Of Compounding for Assessed Taxes.

3 Geo. IV. c. 50.
Notice of objection.

Commissioners to contract for renewal of composition.

Claims for relief to be indorsed on contract.

Statements required under former act to authorize compositions to the house and window duty for 1822, in cases of removal, to contain number of windows chargeable for 1821.

Contracts of composition contrary to act, void.

Amending contracts.

Persons authorized to compound may include stewards, &c., and occasional servants employed in taxable capacities.

the said notices delivered in such cases; and in case the object to any such claim, he is hereby required to give no writing to the respective commissioners, and his objections to the pursuance of such notice, be heard upon appeal before the commissioners, subject to such rules and regulations as may be directed to be heard and determined under the several acts relating to assessed taxes."

Sect. 3. "That in all claims to be allowed by the said commissioners, acting in the execution of the said acts and of the cases herein provided, it shall be lawful for the said commissioners they are hereby authorized and required, to contract with persons, under the said recited act, for a renewal of his, her, or their position, exclusive of the said additional duty by the said act, and where any claim shall be made and allowed under this act, it shall be lawful for any two of the said respective commissioners, and they are required, to certify under their hands every such allowance of such contract, without erasing the said additional duty thereon; and all and every such contracts so indorsed shall be as valid and effectual for enforcing the same to the amount of the said duty, consideration and instalments by virtue of such indorsement, as if the said contracts had been originally entered into without the said additional or further duty."

Sect. 4 contains an exemption from horse duty for farriers riding a husbandry horse. See *ante*, 142.

Sect. 5 contains an exemption for farmers occasionally riding husbandry horses to hire, &c. See *ante*, 142.

Sect. 6. "That the windows to be returned in each statement were intended by the said last-mentioned act to be, and shall be, the number on which an assessment hath been made, or might have been made thereon, if the same had been then occupying the premises ending on the fifth day of April, 1822, according to the law then in force, and assessed taxes in force at the time of making the said assessment, in cases where any statement hath been delivered before the passing of this act, containing a less number of windows than were charged in the dwelling-house mentioned therein on the sixth day of April, 1821, such statement shall be delivered within two calendar months after the passing of this act, conformable to the declaration and enactment therein contained, and it shall be lawful for any person or persons being authorized by the said act, to deliver such statements, whether such statements have been before delivered or not, and such statements within the said period, according to which assessments shall be made on the number of windows comprised therein, and all contracts of composition made, or to be made, contrary to the provisions of this act, shall be void and of no effect: provided that the commissioners, if they have already executed any contract of composition upon statement made contrary to this act may amend the same without executing a new statement, by indorsing thereon the number of additional windows and percentage, on every such contract."

Sect. 7. "That it shall be lawful for every person compound for his, her, or their composition, or to compound under the provisions of this act, to include in such composition, renewed or renewed respectively, the duty in respect of any clerk, or of any overseer, or manager, or of any male person described in the said act passed in the fifty-second year of the reign of his late Majesty King George the Third, in the said act mentioned, marked (C.) No. 3, such male person occasionally employed in any of the capacities enumerated in the said act marked (C.) No. 1, as in the said schedule described: provided, nevertheless, that the composition person so renewing his, her, or their former composition, or shall contain the duty for one such servant chargeable in the

Taxes, Assessments, &c.

such compositions, duties, and monies aforesaid, as part of this act."

"Schedule to which this Act refers.

c. 80. "NOTICE to be used by Persons not having increased th
under former Compositions, and claiming, on Renewal, B
additional Duty of 5l. per centum.

"To _____, surveyor, acting for the parish of _____,
in the county of _____, and to the commission
said division.

"Take notice, that I am [or, we are] desirous of renewing
position for assessed taxes, under the powers, conditions, and
acts, passed in the second and third years of the reign of King
and that _____ do hereby declare, that _____ have not at a
period of _____ composition entered into with the commission
of _____, in the county of _____, become chargeable on
amount of duty, for the whole of the articles comprised in suc
the amount of duty compounded for; whereby _____ hereby
such renewal, from the additional duty of 5l. per centum by th
and that _____ will attend to execute and receive the contrac
tion when required by the said commissioners.

"Signed, the _____ day of _____, 18 _____.

"Witness,

"(Assessor or Collector of the said parish.)"

Geo. IV. c. 11. 4 Geo. IV. c. 11, "An Act for repealing certain of the I
Taxes; for reducing certain other of the said Duties;
Persons who have compounded for the same." (Se
c. 104.)

Geo. IV. c. 45. By the 4 Geo. IV. c. 45, "An Act for allowing Person
their Assessed Taxes for the Remainder of the Period
limited by former Acts; and for giving Relief in cert
mentioned;" after reciting that, "Whereas under and
passed in the first and second years of the reign of his
intituled 'An Act to continue several Acts for the Relie
pounding for their Assessed Taxes from an Annual Ass
ther Term, and to amend the Acts relating to Assesme
tions of Assessed Taxes;' and of another act, passed in t
said majesty's reign, intituled 'An Act to extend the
Persons compounding for their Assessed Taxes, and to
in certain Cases therein mentioned;' all and every th
described were authorized to compound for the duties
dows, and lights, for the term of six years, and oth
therein enumerated, for the term of five years, to be
puted from the fifth day of April, 1822, on the terms a
under the provisions contained in the said acts, on a
the notices of his, her, or their intention to compound
said acts, on or before certain days which have since elapsed: and where
it is expedient to extend the provisions of the said acts, for enabling per
sons now to enter into composition for the remainder of the period
therein limited, and which were unexpired on the fifth day of April, 1823,
in the manner herein provided:" it is enacted, "That from and after the
passing of this act, it shall and may be lawful for any person or persons
who shall be duly assessed to the said rates and duties, for the year com
mencing the fifth day of April, 1823, and who shall give the notice of their
his, or her intention to compound within the time and in the manner
hereinafter provided, and they are hereby respectively declared to be com

Persons may com-
pound upon as-
sessment com-
mencing 5th April,
1823, in respect of
articles allowed
former acts.

4. Of Compounding for Assessed Taxes.

4 Geo. IV. c. 45.

Where persons compounding remove to other districts, compositions may be transferred to district of actual residence.

behalf, in the manner hereinbefore directed, respectively compound this act for such other articles, upon and according to a full return and assessment for the same, to be made for the said commencing as aforesaid, in the manner directed by this act in composition; and the whole of the duties so to be compounded and may, in such cases, be included in one and the same composition.

Sect. 4. "That where any person or persons compound under the said recited acts, or this act, shall have removed from the district in which such composition shall have been entered into, to another district, house and place of residence, and shall thereupon cease to reside in the dwelling-house or place of residence within the district in which he or she so compounded, the annual assessment payable on such composition for the year commencing from the fifth day of April next after such removal, shall be transferred to the district in which such persons shall then reside; and it shall be lawful for the commissioners acting in the execution of the said acts and of this act, and for the district to which such person or persons shall be so removed, and they are hereby required, upon receiving notice thereof, and of the amount of the annual assessment payable on such person's contract of composition in the former district under the said acts, any two of the commissioners acting for such last-mentioned district to cause such certificate, to be prepared under the authority of the commissioners for the affairs of taxes, the said commissioners acting for the district to which they are hereby required to sign, and cause to be delivered to the collector of the same district from time to time, as soon as conveniently after every such removal), to cause the several amounts of the several instalments compounded for and payable from and after the date of the aforesaid, by any such persons or person, to be added to the annual assessment of the parish to which such persons or persons shall be so removed, and in the annual duplicate of assessments made out by the said commissioners under the said acts in the said last-mentioned district; and all such assessments and instalments so transferred shall, when so transferred, be collected, levied, and paid in the same powers, and by the same rules, provisions, ways, and means, as if the said duties had been originally compounded for and payable to the collectors or collector in the said last-mentioned district, and shall be the same originally formed part of the assessment of the parish or place to which the said instalments shall have become transferred, and the authority of this act, anything in the said recited acts or contracts to the contrary notwithstanding: provided, that nothing herein contained, notwithstanding the transfer of such future instalments, shall prevent the raising and levying of such composition payable by the persons last herein described, in the district from which they, he, or she shall have so removed as aforesaid, and, from the fifth day of April next following such removal, the same powers and provisions as the said duties were recovered under the passing of this act: and all such future instalments, so transferred to the assessment of another parish, ward, or place, shall, in like manner, be raised and levied under the provisions of this act, as part of the assessments of the district in which such composition shall have been entered into."

All instalments and arrears within or prior to year of removal to be paid in former district.

On transfer of compositions of assessments to parish of removal, assessment on parish first charged may be discharged.

Sect. 5. "That in every case when and as the future instalment payable under any composition shall have been transferred, and the annual assessment of the parish, ward, or place in the district to which such person or persons shall have removed under the provisions last contained, and which shall be duly certified under the authority of the commissioners for the affairs of taxes, it shall be lawful for the commissioners acting for the district from which the person or persons so compounded shall be so transferred shall have ceased to receive and charge all such future instalments so transferred, from the date of the transfer to the parish, ward, or place therewith before charged, and in the

4. Of Compounding for Assessed Taxes.

4 Geo. IV. c. 45.

respective commissioners and other persons authorized by the cited acts to contract and agree for such compositions, or to do or form any other matter or thing for carrying the said recited execution, shall severally and respectively contract and agree to compositions to be entered into under this act, and do and perform such other matters and things as are required to be done and performed in the execution of this act, within the limits of their respective jurisdictions; and all the powers and authorities given and granted by or under the said recited acts, so far as they apply, and are not repugnant to the provisions of this act, shall and they are hereby confirmed to be levied and continued for and during the respective terms limited, in as ample and effectual a manner as if the same powers and authorities were expressly re-enacted by this act, and shall be applied, construed, deemed, and taken to belong to this act, and the provisions thereof, in like manner as if the same had been herein expressly granted, and applied by this act; and the said commissioners and other persons before mentioned are hereby empowered and required to do and perform all things necessary for putting this act in execution, in the same manner as in as full and ample a manner as they or any of them are, or were authorized to put in execution the said several recited acts."

Provisions of former composition acts to remain in force, except as varied by this act.

Sect. 9. "That all and every the provisions, directions, rules, regulations, methods, clauses, matters, and things contained in the said acts, although expressly applied to the compositions made under the said acts, or either of them, shall severally and respectively be construed and deemed to apply to the compositions to be entered into under this act, and (except where other provisions, directions, rules, regulations, clauses, matters, and things are substituted in and by this act) shall severally and respectively be used and practised in ascertaining the amount on which any composition is to be made, and the addition to be imposed thereon, and in doing and performing all other things necessary for carrying this act into execution, and shall be construed, deemed, and taken to belong to this act, as parts thereof, in like manner as if the same were severally repeated in and expressly applied to the provisions of this act; and where other provisions, rules, regulations, methods, clauses, matters, or things are substituted by this act, in lieu of any provisions, directions, rules, regulations, methods, clauses, matters, or things contained in the said acts, the said substituted provisions, rules, regulations, methods, clauses, matters, or things shall respectively shall be construed, used, and practised, in such manner as to the like effect in all respects, as if the said recited acts as amended had been incorporated, and as if this act had expressly abrogated and made void the several parts of the said recited acts, in lieu whereof the said substituted part or parts of this act is or are substituted."

Sect. 10 declares that the repeal of the duties on horses, mares, and mules, by the first section of 4 Geo. IV. c. 11, shall be taken to extend to ponies under the height of thirteen hands at the enactment, *ante*, 104.)

" Witness,		} Commissioners of the within divisions.
	" Clerk.	
" Witness,		} The party hereto."
	" Clerk.	

-With the consent of the commissioners, the collector of the parish may witness the the party to the contract."

o. IV. c. 44, intituled "An Act for allowing Persons to com- 5 Geo. IV. c. 44.
 their Assessed Taxes for the Remainder of the Periods of Com-
 posed by former Acts, and for granting Relief in certain Cases,"
 g. that "Whereas by an act passed in the last session of
 intituled 'An Act for allowing Persons to compound for their
 ures for the Remainder of the Periods of Composition limited
 cts, and for giving Relief in certain Cases therein mentioned,'
 therein described, who had not entered into composition
 provisions of the acts therein mentioned, within the times
 sed, were authorised, on giving notice on or before the first
 anber, 1823, to compound on their respective assessments,

4. Of Compounding for Assessed Taxes.

5 Geo. IV. c. 44.

Persons may compound upon assessments commencing 5th April, 1824, as to articles allowed by former acts.

Duties on houses and windows for four years, other assessed taxes three years.

Persons intending to compound under this act, to give the notice required by the former acts on or before the 2d August, 1824.

Commissioners and other officers acting under former composition acts, to act in execution of this act.

Former acts applied to this act.

to be made for the year commencing from the fifth day for the then remainder of the periods in the said acts n say,) for the term of five years for the duties on hou and for the term of four years for the other assessed ta it is expedient further to extend the provisions of t enabling persons now to enter into composition for the said periods which were unexpired on the fifth day of A manner herein provided ;” enacts, “ That from and af this act, it shall and may be lawful for any person or be duly assessed to the said rates and duties for the the fifth day of April, 1824, and who shall give the n or her intention to compound within the time and in th after provided, and they are hereby respectively declare to compound for the rates and duties assessed on 1 dwelling-house for the term of four years, and for their assessed taxes allowed to be compounded for by the said particularly enumerated, for the term of three years res mence from the fifth day of April, 1824, together w annual duty of 1s. for every 20s. of the respective am and so after that rate for any greater or lesser sum tl assessments so to be made and compounded for un severally be and remain to the same annual amount periods last mentioned, to all intents as if the said duti pounded for under the said acts.”

Sect. 2. “ That all and every person and persons desir ing under this act shall, on or before the second day deliver or cause to be delivered, free of charge, to the su the respective districts comprising the parishes or pla persons shall respectively reside, a notice in writing, acc and in the manner by the said acts directed, declaring intention to compound under this act, and which not upon, observed, and followed, for the purposes of comp and complete assessment for the said year, commencing of April, 1824 ; and the said commissioners shall and rized and required to contract with such persons respec provisions in the said recited acts and this act respectiv the periods and in the manner herein limited, and acco of contract set forth in the schedule to this act annexed, to all intents as if such notices had been delivered within said acts limited, and under the several provisions there

Sect. 3. “ That the several persons who for the tin commissioners for putting in execution the acts rela taxes, and the said recited acts for compounding for the be commissioners for putting in execution this act, and referred to or contained, in all and every the respective divisions, shires, and stewartries, cities, boroughs, cin and places, in Great Britain ; and the several assessors, c ors, inspectors, and inspectors-general for the time bein be appointed to put in execution the said acts, shall r sors, collectors, surveyors, inspectors, and inspectors execution this act within the limits of their respective d and places to which they are or shall be appointed ; a commissioners, and other persons authorized by the s contract and agree for such compositions, or to do or p matter or thing for carrying the said recited acts into severally and respectively contract and agree for the c entered into under this act, and do and perform all su and things as are required to be done and performed in this act, within the limits of their respective jurisdic powers and authorities given and granted to them by recited acts, so far as they apply and are not repugnant

is respectively payable, a notice according to the form in
 to this act annexed, marked No. I., declaring his, her, or
 to continue such composition: and where any such person
 all claim the continuance of his, her, or their composition
 ent of any additional duty under this act, on the ground of
 creased his, her, or their establishment in respect of any
 icles of the description compounded for, such person or
 also, before the respective days, and in manner aforesaid,
 use to be delivered to the same assessor or assessors, col-
 ctors, or surveyors, as aforesaid, a declaration to that effect,
 the form in the said schedule to this act annexed, marked
 all such declarations shall, on delivery, be subject to the
 ions and rules for ascertaining the accuracy thereof, and to
 the same, as provided under the same acts for the examina-
 ns and returns in securing due compositions; and every
 and declaration, respectively signed by the person or
 ompounding (or by his, her, or their authorized agent,
 or in the said acts prescribed), shall, on delivery to any
 assessors, collector or collectors, or surveyors, as afore-
 ding on the person or persons compounding (except in
 declarations hereinafter provided), to all intents as if a re-
 ct of the further periods herein allowed were entered into
 ovisions of the said acts: provided always, and where any
 reons shall deliver any such declaration that shall be false
 such person or persons shall lose the benefit of continuing
 nter composition under the provisions of this act; and such

Also a declaration
 where establish-
 ment has not been
 increased.

How far notice
 binding on party.

Delivering untrue
 declaration.

Penalty.

4. Of Compounding for Assessed Taxes.

7 Geo. IV. c. 22.

To whom assessors and collectors to deliver notices and declarations.

Notices sufficient authority to the commissioners to continue compositions.

Proviso as to additional duty.

person or persons shall also be liable to the like penalty and is and are imposed by the acts relating to the said duties or to the said duties making an untrue return or false declarations particulars required by the said acts."

Sect. 3. "That the respective assessors and collectors, by notices and declarations shall from time to time be receive strictly enjoined and required forthwith and with all diligence the said notices to the commissioners of the respective districts, and all and every the said declarations to the surveyor of the district in which the same shall be received; and every declaration, after the expiration of the corresponding periods of examinations thereof, as by the said acts is provided with notices or returns under the said acts, for the purposes of assessment and composition, shall be a sufficient authority for the respective commissioners, and they are hereby authorized and empowered to charge such persons respectively in the annual composition for the said further terms; and the payments of the instalments made and enforced half-yearly under the provisions of the said act, on the like days of payments, and to all intents and purposes as if the said contracts had been originally made and entered into during the periods herein provided, and to which such notices shall relate; and all persons so charged to the composition duties shall be continued, and paying the same, and the additional duties herein provided, shall be protected against annual assessments during the periods of continued composition, in like manner as persons are now protected under their existing compositions and assessments."

New compositions may be entered into.

On notice by party.

Additional annual duty.

Sect. 4. "That from and after the passing of this act it may be lawful for any description of person or persons to compound within the times and in manner prescribed by the said acts, who shall respectively be duly assessed to the said rates on windows or lights, or on any article or articles allowed to be compounded for under the said acts respectively, for the year ending on the fifth day of April, 1826, and who shall give the notice of their intention to compound within the time and in the manner hereinafter provided to compound for the rates and duties assessed on his, her, or their dwelling-house, and also for his, her, or their taxes of the descriptions allowed to be compounded for by the said acts and therein particularly enumerated, for the term of four years, to commence from the said fifth day of April, 1826, and to make payment of such duties respectively, together with an additional duty of 1s. for every 20s. of the respective amounts so assessed, after that rate for any greater or lesser sum than 20s.; and the payments so to be made and compounded for under this act shall be and remain to the same annual amount for the said term of years, and under the like protection to the parties compounding against annual assessments in respect of the like descriptions of duties to all intents as if the said duties had been compounded under the said acts."

Persons intending to enter into new compositions under this act to give notice.

Commissioners to contract therein as by former acts.

Sect. 5. "That all and every person and persons desirous of entering under this act, shall, on or before the first day of August next, or cause to be delivered, free of charge, to the surveyor of the respective districts comprising the parishes or places in which the persons shall respectively reside, a notice in writing, in the form and in the manner by the said acts directed (*mutatis mutandis*) declaring his, her, or their intention to compound under this act for the term of four years, commencing as aforesaid; and which notice shall be acted upon, observed, and followed, for the purpose of completing a full and complete assessment, for the said term of four years, commencing as aforesaid; and the said commissioners shall and are authorized and required to contract with such persons respectively

district in which such person shall reside, one calendar month at the setting up and keeping such carriage, and on payment of the duty compounded for on a two-wheeled carriage, and the same on a four-wheeled carriage, together with the like addition duty per centum payable by such contract, and to be in such difference, to be indorsed by certificate on every such composition, by any two of the commissioners acting in the district, in the district in which such contract shall have been entered continued, and to commence and be made payable within the whole of the year commencing from the fifth day of April, in which such setting up of a four-wheeled carriage shall take place, by instalments, during the continuance of the said contract; and additional payments shall be enforced in like manner as originally inserted in every such contract; and any person benefit of this provision shall and may, during the continuance of the composition, have the like privileges as those which are enjoyed by persons compounding under the said acts: provided that in case of any such setting up of a four-wheeled carriage in the district commencing on the fifth day of April, 1826, and before any contract completed under this act, then such contract shall and may be made, in the first instance, for a four-wheeled carriage, to all the parties who were assessed for the same."

With additional duty.

Provided.

That the several persons who for the time being shall be appointed for putting in execution the acts relating to assessed taxes, and for compounding for the said duties, shall be commissioned to put in execution this act and the powers herein referred to in all and every the respective counties, ridings, divisions, lewalties, cities, boroughs, cinque ports, towns, and places in the said counties; and the several assessors, collectors, surveyors, inspectors, and inspectors-general for the time being, appointed or to be appointed to put in execution the said acts, shall respectively be assessors, collectors, surveyors, and inspectors-general, to put in execution this act within the limits of the respective divisions, districts and places to which they shall be appointed; and the respective commissioners and persons authorised by the said recited acts to contract and agree

Commissioners and other officers acting under former acts to execute this act.

4. Of Compounding for Assessed Taxes.

7 Geo. IV. c. 22.

Provisions of former composition acts to be applied to this act, except as herein varied.

same had been herein expressly given, granted, and applied by the said commissioners, and others before mentioned, are hereby empowered and required to do and perform all things necessary for putting this act into execution, in the like and in as full and ample a manner as they or any of them are, or were, or was authorized to put in execution the said several acts."

Sect. 8. "That all and every the provisions and directions, regulations, methods, clauses, matters, and things contained in the said acts, although expressly applied to the compositions made under the said acts, or either of them, shall severally and respectively be construed and deemed to apply to the compositions to be entered into under the said act, and (except when other provisions, directions, rules, regulations, methods, clauses, matters, and things are substituted in and by this act, the said provisions, directions, rules, regulations, methods, clauses, matters, and things shall severally and respectively be used and practised in ascertaining, assessing, and charging the amount on which any composition is to be continued, and the additional rate to be imposed thereon respectively, and in doing and performing all other matters and things necessary for putting this act into execution; and shall be construed, deemed, and taken to belong to this act as part thereof, in like manner as if the same were severally repeated in and expressly applied to the provisions of the said acts, and where other provisions, directions, rules, regulations, methods, clauses, matters, and things are substituted by this act, in lieu of the said provisions, directions, rules, regulations, methods, clauses, matters, and things contained in the said acts, the same respectively shall be construed, used, and practised in such manner and to the like effect and in all respects, and within corresponding and like times and periods, as if the said acts and this act had been incorporated, and as if this act had expressly abrogated and made void the several parts of the said acts, in so far as the same are inconsistent with the provisions of this act, in lieu whereof any part or parts of this act are or is substituted."

" SCHEDULE referred to by this Act.

"No. I.

" FORM of NOTICE of Continuance of Contract under this Act

" To the commissioners acting for the division of _____, in the parish of _____, and to the assessor [or, collector] of the parish [township or place] in the said division [or, if in Scotland, To the surveyor of the division of _____, as the case may be].

" Take notice, that I am [or, we are] desirous of continuing, under the powers, conditions, and provisions of an act passed in the seventh year of king George the Fourth, my [or, our] contract [or, contracts, as the case may be,] of composition for assessed taxes now in force and payable by me [or, us] in the said parish [township or place]. (To be signed by _____)

" No. II.

" FORM of DECLARATION to be delivered by Persons desirous of continuing their Compositions free from additional Duty of Five per Cent. Cases where no Increase of the Article or Articles compounded for shall be taken place.

" To _____, the assessor [or, collector] of the assessed taxes for the [township or place] of _____, in the division of _____, [or, if in Scotland, To the surveyor of the assessed taxes for the division of _____]

" I [or, we], the undersigned, having delivered to you a notice of my [or, our] intention to continue my [or, our] contract [or, contracts, as the case may be,] of composition for my [or, our] assessed taxes now in force, under the powers of an act passed in the seventh year of the reign of king George the Fourth, I hereby declare that I [or, we] have not at any time during the period of my [or, our] said composition set up or increased any article or articles of assessment."

respectively, and their contracts of composition have been renewed or continued for a further term under and by other acts passed for that purpose; and such contracts be fifth day of April, 1835: and whereas it is expedient to persons who have so compounded as aforesaid, as well as be willing to compound under the provisions of this act, an assessment, for a further term herein limited;" it is the assessments made or to be made under and by virtue of this act at and immediately before the passing of this act, in respect of the duties of assessed taxes as may be comprised in the schedule to be entered into under this act for the year to end on the fifth day of April, 1835, shall severally be and remain to the same in respect of every person who shall compound for the term of the said assessments under this act for the term of five years computed from the fifth day of April, 1835."

Assessments for the year ending 5th April, 1836, to remain to the same amount if compounded for under this act for the term of five years.

Where several compositions entered into under any former act in force, on any of the duties of assessed taxes, may, in respect of the said duties as are herein enumerated, be renewed for the term of five years, to be computed from the said fifth day of April, 1835, in the manner, and subject to the terms, conditions and exceptions herein prescribed."

Compositions under former acts may be renewed.

Every new contract of composition entered into under this act shall contain in the body thereof the number of servants, carriages, and other articles of the establishment upon which composition is made as aforesaid, and shall be made according to the form set forth in the schedule to this act, *mutatis mutandis*."

Contracts how to be made.

Provided always, that no composition shall be entered into under this act for any duty or duties of assessed taxes other than on the following articles, forming the establishment of a household, and retained, employed, kept and used for the service of the person or persons to whom the same are let or let to hire; viz. the duties on servants mentioned in an act passed in the forty-eighth year of the reign of king George the Third, and in the schedule of another act passed in the fifty-first year of the said king, marked (C) No. 1. on any

Enumeration of articles to be compounded for under this act.

4. Of Com- pounding for Assessed Taxes.

**4 & 5 Will. IV.
c. 54.**

Persons assessed for the year ending 5th April, 1886, may compound on the amount assessed in that year, paying an additional duty of 5l. per cent.

Exception as to taxes in respect of articles kept for trade, &c.

Persons who have compounded for window tax for year ending 5th April, 1885, and persons not then liable to said tax, may open additional windows free of duty.

**Proviso as to ad-
ditions to houses.**

Compounders on the other assessed taxes may renew same on amount charged thereby, together with a further duty of 5l. per cent.

position had been entered into, according to the laws in such assessments."

Sect. 5. " Every person not having compounded former acts, who shall be duly assessed for the year ending the first day of April, 1835, to the rates and duties chargeable on such person relating to assessed taxes, is hereby declared to be compelled to pay in full for his assessed taxes herein enumerated for the year to commence from the said fifth day of April, 1835, on or before the said fifth day of April, 1835, annually as shall be assessed on him for the year ending the said fifth day of April, 1835, together with an additional annual sum of 20s. of the respective amounts so assessed, and for any greater or lesser sum than 20s., so as not to include in the said additional duty any fraction of 1d."

Sect. 6. " Provided always, that no composition shall be made or renewed under this act with any person in trade or business, nor shall any articles kept for the purpose of trade; nor shall any person be entered into upon any assessment charged upon two or more partners; nor shall any composition under the said act be made with two or more partners be renewed under this act; nor shall any horses, or other articles let or used for hire."

Sect. 7. " Every person who is or shall be duly assessed or compounded under the said former acts for his dwelling-house, warehouse, shop, or other premises, in respect of the duties therein, for the year ending on the 5th day of April, 1834, shall not be liable to make or open and keep open, free of duty, any additional windows or lights in his dwelling-house, warehouse, shop, or other premises so assessed or compounded for; and that no person shall be assessed or compounded by reason of his dwelling-house, warehouse, shop, or other premises not containing seven windows or lights, but shall be liable to be assessed, or made liable to rates and duties, because of any additional number of windows or lights in such dwelling-house, warehouse, shop, or other premises: provided always that no person as aforesaid, whether he shall be assessed or compounded or not, shall be liable to be assessed as aforesaid, or not, shall be liable to be assessed or compounded for any addition to such his dwelling-house, warehouse, shop, or other premises, or make or open any communication with any other dwelling-house, warehouse, shop, or other building adjoining or near thereto, then and in any such case the additional windows or lights in such dwelling-house, warehouse, shop, or other building, or such additional or adjoining tenement or building, shall be assessed together to the said duties, in like manner as the same were assessed before the passing of this act be liable to be rated and assessed under the said act or acts in force."

Sect. 8. "Every person, except as hereinafter is ex-
compounded, by any contract now in force under the
for any of the duties of assessed taxes herein enumer-
clared to be competent to renew his former composi-
and such part thereof as relates to the duties on the artic-
rated, on the amount of duty charged and now payable on
respectively, and comprised in the said former composi-
the additional rate or several additional rates of duty of fi-
charged therein under the said former acts in respect of
which several sums shall form the aggregate amount of
composition may be renewed under this act; and the
the terms and conditions of such renewal; (that is to sa-
son who hath compounded as aforesaid hath not increa-
ment of servants, horses, carriages, or other articles
composition hath been made to such an extent that the
thereon under an assessment would exceed by more than
total amount of the sum now payable on such contrac-
there shall be paid and payable a further additional dut-
20s. of the said aggregate amount, and so after that rat-

of Whitsunday in the same year in Scotland, deliver or
 vered to the commissioners of the district in which such
 de, or to the clerk of such commissaioners, the contract of
 position, or a true copy or certificate thereof, under the
 ro of the commissioners acting for the division in which
 s entered into, annexing thereto a notice according to the
 dule to this act annexed, declaring his intention to renew
 ntaining a full, true, and complete return or list of the
 of servants, carriages, horses, and other articles of his
 argeable with duty which shall have been kept and
 oyed by such person at any time during the year com-
 e fifth day of April, 1834."

contract or copy,
 with notice, before
 5th April, 1835,
 in England, and
 before Whit-
 sunday, 1835, in
 Scotland.

any person having compounded under the said former
 duced his establishment since entering into such com-
 r such person may be chargeable with a lesser amount
 for the year commencing from the fifth day of April,
 duty compounded for, and shall by reason thereof be
 ng the said composition, and of entering into a composi-
 shall be lawful for him so to do upon giving notice in
 is intention to the surveyor of the said duties, acting for
 which such person shall reside, within three calendar
 passing of this act, annexing to such notice a full, true,
 urn or list of the greatest number of articles chargeable
 and retained or employed by such person after the fifth
 4, so that an assessment may be duly made for the year
 m the fifth day of April, 1835, on all the articles charge-
 r; and it shall be lawful for the commissioners (subject
 ns in the manner hereinafter provided for compositions
 der this act who shall not have compounded under the
) to enter into composition under the provisions of this
 on giving the notice aforesaid, upon the amount of such
 resaid, with the additional duty granted thereon by this
 s as if such person had not compounded under the
 ,

Persons having
 compounded and
 reduced their
 establishments
 may compound
de novo on assess-
 ment of 1835, on
 giving notice
 within three
 months, and
 annexing return
 of articles charge-
 able.

rovided always, that nothing herein contained shall autho- Persons who,

4. Of Compounding for Assessed Taxes.

4 & 5 Will. IV.
c. 54.

Persons who have compounded under former acts, giving notice of reduction in their establishment, to enter into new compositions.

Persons beginning to keep or increasing an establishment in 1834, may compound on the assessment of succeeding year.

Renewed composition not to extend to articles of a different description from those authorized by former compositions.

Compounders, having removed to another division, may compound therein.

Compounders entitled to like privileges of increasing establishment, &c., as under former acts.

year to his assessed taxes, to contract and enter into with such person, on the amount assessed for that year of the articles herein enumerated, together with the additional *per centum* hereby granted on the amount of other pounds for under this act."

Sect. 12. "Provided also, that no person who hath the said former acts, and who shall give notice, in pursuance of his intention to discontinue any part of his establishment of servants, carriages, horses, or other articles, provided by the said acts, shall be allowed to renew his composition under this act, nor to enter into any new composition under this act, except upon the amount of an annual *bond fide* return of the greatest number of servant and other such articles as aforesaid, kept and retain him in the year commencing from the fifth day of April, 1835, with the additional duty of five *per centum* on such amount in the manner as if such person had not compounded under the said notice, or anything in the said former acts or contrary thereof notwithstanding."

Sect. 13. "Every person who shall have begun to keep any servants, carriages, horses, or other articles before the fifth day of April, 1835, any additional number thereof, in the year ending on the fifth day of April, 1835, and who shall deliver a statement required, of the number of servants, carriages, horses, or other articles aforesaid, so that an assessment may be duly made thereon to commence from the fifth day of April, 1835, is hereby authorized to compound under this act on the amount of such assessment to be made for the said year to commence from the fifth day of April, 1835, on the same terms and conditions as if such person had been so assessed for the preceding year."

Sect. 14. "Provided also, that nothing in this act shall be construed to extend any renewed composition under this act to articles of a different description than is authorized by the said former acts, which shall be entered into under the said former acts, which shall be kept since the making of the said composition, but shall be assessed for the said articles as if the said composition had not been renewed; but nevertheless it shall be lawful for any person who shall have been assessed for the said additional duty for the year ending the fifth day of April, 1835, or shall be assessed for the subsequent year, and who shall renew his former composition to compound for the said additional articles on the amount of such assessment, and the additional rate granted by this act, by entering into a new rate contract for the said articles so assessed."

Sect. 15. "Every person who shall have compounded under the said former acts for the articles of his establishment, and who shall be desirous to renew such composition under this act, shall deliver to the commissioners of the division where he shall reside a true copy or certificate thereof, under the hands of a commissioner entering into the said contract, annexing a statement according to the form in the schedule to this act and his intention to renew the same; and it shall then be lawful for the commissioners to renew the same, according to the provisions in like manner as if the said former composition had been renewed by the commissioners of the division where the same was renewed."

Sect. 16. "Every person entering into or renewing a composition according to the provisions of this act, and paying the sums compounded for at the times and in the proportions specified in the said former acts and this act, an

five of duty any additional number of hounds: provided also, privileges and immunities in this clause mentioned shall not extend to any establishment specially excluded by this act composition to be made or renewed under the same, in which no further or increased charges shall and may be made, and fines, and forfeitures incurred under any of the acts relating to the said several acts, as fully and effectually as if composition had been made or renewed under this act."

“Every person who shall be assessed for any servants, carriages, or other chargeable articles aforesaid, for the year ending of April, 1835, in two or more places in Great Britain, or assessed for that year, or shall have compounded under the acts in a different place than where he is entitled to compound this act, shall deliver, or cause to be delivered, to the commissioners whom such application to compound shall be made, a certificate under the hands of the respective surveyors of the place where he shall be so assessed or have compounded under the acts, containing the particulars of such assessment or composition, and of such other division or place, according to such forms as shall be directed by the commissioners of stamps and taxes pursuant to the provisions of the acts, and every composition entered into or renewed contrary to the provisions of the acts so mentioned shall be vacated and made of no effect by the commissioners of stamps and taxes, on due proof of any such certificate of any such assessment for the said year, or composition, under the said acts, which respectively shall not be valid until they are presented to the commissioners, parties to any such composition, and therein, unless it shall be proved to their satisfaction that the same has arisen by error or mistake; in which cases the commissioners of stamps and taxes respectively may consent that the composition shall be entered into, to take effect from the fifth day

As to persons assessed in two places, or who have compounded under former acts in places where they are not entitled to compound under this act.

Every person compounding as aforesaid, or renewing any Compounders not
under this act, shall be freed and discharged from any liable to penalty,
except for com-

4. *Of Compounding for Assessed Taxes.*

4 & 5 Will. IV.
c. 54.

Persons occupying houses or keeping articles compounded for by other persons, or set up by other persons under colour of composition liable to duty.

Intent to defraud, treble amount of duty.

Contract entered into to a less amount than ought to be included, to be void, and offender to forfeit 50l.

Persons having diminished their establishment during their residence out of Great Britain not entitled to compound.

In cases of sickness, persons may sign their contracts in presence of collector.

Compositions with persons afterwards succeeding to estates, and keeping larger establishments, to cease, with power to

Sect. 19. "If any person who shall not compound until after the fifth day of April, 1835, retain or keep for any article chargeable with any duty under the acts relating which hath been compounded for by any other person, or been set up, retained, used, employed, or kept by such person under his composition, or under colour or pretence of such article continuing to belong to the person so compounded for, or hath not been compounded for by the person so retaining, or keeping the said article chargeable as aforesaid, or under composition, every such person so retaining, using, employing, or keeping for his own use any such article as aforesaid shall be liable to assessment in respect of any such article as aforesaid, in the like amount as if the same article had belonged to him, if no composition had been made by such other person; and before the commissioners that the same hath been done with intent to defraud the revenue, every such person shall be assessed to the amount of duty payable as aforesaid."

Sect. 20. "If any person shall by fraud or covin cause any assessment on which any contract of composition shall be made under this act to be made on a lesser amount of duty than is charged on him, or by any the ways or means in this act provided, or cause or procure any contract of composition under this act to be made into, or any contract of composition entered into under this act, or any of them to be renewed under this act, on a lesser amount of duty than ought to be included in the contract of composition, every contract so entered into or renewed under this act shall be void, and of no effect; and every person so offending shall be liable to a fine of 50l., to be sued for, recovered, and applied as any penalty; and every person who shall be liable to be sued for, recovered, and applied as any penalty under the acts relating to assessed taxes may be sued for, recovered, and applied as any penalty."

Sect. 21. "No composition for assessed taxes shall be renewed under this act with any person who shall have resided in Great Britain before the passing of this act for a temporary period, and who shall have ceased to be assessed to the said duties, and who shall have been assessed to a lesser amount, during such his residence in Great Britain, and who shall be assessed to the said duties on a lesser amount than he was assessed before his departure from Great Britain, nor with any person who shall have resided in Great Britain at the time of executing this act."

Sect. 22. "Any person residing within Great Britain who shall be sick or infirm, or other reasonable cause, with the consent of the said respective commissioners, execute such contract in the presence of the collectors of assessed taxes, or one of them, acting in the place where the person compounding shall reside, any former acts or this act to the contrary notwithstanding; and that every such collector shall testify the execution of such contract by signing the same in the presence of the party so contracting; and also, that any person duly assessed in Great Britain before the fifth day of April, 1835, and entitled to compound for any duties he may be liable to pay while residing in Ireland at the time of executing the contract of composition by the respective commissioners under this act, may execute such contract by his or her lawful attorney duly empowered, the power of attorney being first delivered to the said respective commissioners for that purpose, which contract so executed shall have the same force and effect as if the party compounding had personally executed the same."

Sect. 23. "Every composition entered into or renewed under this act in respect of servants, carriages, horses, or other articles rated, with any person hereinafter described, shall cease to have effect at the respective times hereinafter mentioned; (that is to say, any person who shall compound or renew any composition for assessed taxes shall afterwards come into possession of any estate, re-

rep any other servants, carriages, horses, or other articles
ed, of the same description and chargeable to the like
d acts relating to assessed taxes, in lieu and in the place
ent of the wife before marriage or any part thereof, or
rate establishment of either husband or wife, or their
ent, would have been assessable on the husband if no

been entered into or renewed, to an amount of duty
with part of such composition, then and in every such
tion entered into or renewed under this act by any such
of them, so intermarrying and keeping any such estab-
said, shall cease and determine at the end of the year of
ich such increased establishment shall begin to be kept ;

it shall be lawful for the respective commissioners in
after such person shall have made a *bond fide* return of
ber of servants, carriages, horses, and other articles of
shment charged with any duty of assessed taxes, accord-
a force relating to the said taxes, for the year next after
1 of such composition, in order to an assessment thereon
d who shall be duly assessed for that year to his or her
o contract and enter into composition *de novo* with any
he-remainder of the term then to come and unexpired
o assessed on him or her for that year, together with the
ereby granted on the amounts of other assessments to
or under this act."

se several persons who for the time being shall be com-
utting in execution the acts relating to assessed taxes
ioners for putting in execution this act, and the powers
o or contained, in all and every the respective counties,

Commissioners
and other officers
acting under for-
mer composition
acts to act in exe-
cution of this act.

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c. 54.

ridings, divisions, shires, and stewartries, cities, borough towns, and places in Great Britain; and the several assessors, surveyors, inspectors, and inspectors-general for the time or to be appointed to put into execution the said acts, shall be assessors, collectors, surveyors, inspectors, and inspectors put into execution this act within the limits of their respective districts, and places to which they are or shall be appointed by respective commissioners and other persons authorized by the said former acts to contract and agree for such compositions for any other matter or thing for carrying the said act into execution shall severally and respectively contract and agree for the same to be entered into or renewed under this act, and shall do all such other matters and things as are required to be done and performed in the execution of this act within the limits of their respective jurisdictions; and all the powers and authorities given by or under the said former acts or any of them shall be hereby declared to be revived and continued, for and to the full extent herein limited, in as ample and effectual manner as if the said former acts and authorities were expressly re-enacted by this act, and shall be applied, construed, deemed, and taken to belong to the said act thereof, in like manner as if the same had been herein re-enacted, granted, and applied by this act; and the said commissioners and other persons before mentioned are hereby empowered and required to do all such things necessary for putting this act in execution in the most ample and effectual manner as they or any of them are or were in execution the said former acts."

Provisions of former acts to remain in force.

Sect. 25. "All and every the provisions, directions, rules, regulations, methods, clauses, penalties, matters, and things contained in any act or acts and now in force, although expressly applied to the said act by any provision made or renewed under the said acts or any of them, shall be construed and deemed to apply to the said act, and to be entered into or renewed under this act, and (except in so far as they are inconsistent with the provisions, directions, rules, regulations, methods, clauses, penalties, matters, and things are substituted in and by this act) shall severally be used and practised in ascertaining the amount of the composition to be made, and the additional rate to be added to the said composition, and in doing and performing all other matters and things necessary for carrying this act into execution, and shall be construed and deemed to belong to this act, as part thereof, and shall be applied and enforced for the raising, levying, paying, and discharging of the monies to arise under this act, and for the prevention of fraud, imposition, and evasion, in like manner as if the said provisions were severally repeated in and expressly applied to the said act; and where other provisions, directions, rules, regulations, methods, clauses, penalties, matters, or things are substituted by any provisions, directions, rules, regulations, methods, clauses, penalties, matters, or things contained in the said former acts, the said provisions, directions, rules, regulations, methods, clauses, penalties, matters, or things shall be construed, used, and applied in such manner and effect in all respects as if the said former acts and this act were consolidated and incorporated, and as if this act had expressly abrogated and repealed the said several parts of the said former acts in lieu whereof and in substitution of this act are or is substituted."

Limitation of time in former acts extended to this act.

Sect. 26. "Where the said former acts contain any provision of time for the doing or performing of any act, therein required, the powers and authorities of the said commissioners and other persons shall be construed and deemed to be extended and practised for the doing and performing the like things required by this act, observing therein the period of time expressed in this act."

Persons intending to compound to give notice thereof, together

Sect. 27. "Every person who is hereby declared to be liable to compound under this act, and shall be desirous so to do, shall give notice thereof, together with the sum he intends to pay, before the fifth day of April, 1835, in England, and on or

hitsunday in the same year in Scotland, deliver or cause to be delivered, free of charge, to the surveyor of the district acting for the parish or place where such person shall reside, a notice in writing according to the form in the schedule to this act annexed, declaring his intention to take the benefit of this act, which notice shall be signed and bear on the day of such signature by such person (or by some authorized person on his behalf, residing in such district, and declaring therein the nature of his residence) in the presence of one or more of the assessors or collectors of the said duties for the same parish or place where the person intending to compound shall reside, or in the presence of such surveyor, who respectively shall attest such signature by signing the same with his own name; and every such notice shall contain the number and description of the articles on which such persons shall intend to compound, and such notices shall be in the form in the schedule to this act annexed; and all such notices shall and may be retained in the hands of the said surveyors respectively until the expiration of two calendar months after the delivery thereof; and every such surveyor shall carefully and diligently inspect and examine every assessment, and every contract of composition entered into under the said former acts, relating to the persons so applying respectively, and also the notices delivered by such persons under the said acts to discontinue any increased establishment set up under any such contract, or any part thereof, and after such examination thereof every such surveyor shall from time to time, within the said period of two calendar months, deliver the same to and therewith certify to the respective commissioners authorized by this act to contract for such compositions for such parishes or places where such applications shall have been made, for his satisfaction with the notices delivered in such cases, or his objection thereto, together with the particular article or articles omitted, and the amount of duty on which such composition ought to be made; and no composition shall be entered into or renewed in any of the cases so stated to until a full and complete return shall be made of every article payable with duty on which the composition ought to be made under the provisions of this act; and every composition entered into or renewed contrary to the provisions of this act shall be void and of no effect, and the person entering into or renewing the same shall be liable to payment according to the provisions of the acts in force relating to assessed taxes, as if no composition had been entered into or renewed, to the charge of the respective surveyors to be made under the authority and subject to the provisions of the said last-mentioned acts."

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with statement of articles of composition.

act. 28. "In every case where by any error or mistake the just amount of duty on which the person compounding ought to compound, or the fractional rate thereon, shall not be duly inserted or calculated in the contract of composition, it shall be lawful for the commissioners of stamps and taxes, by certificate under the hands of any two or more of them referred to the commissioners of the division by whom such composition was made, to cause the same to be amended, or a new contract made and substituted, in such manner as may seem to them expedient to obviate such error or mistake, and conformable to the true intent and meaning of this act; and the said respective commissioners to whom such certificate shall be directed shall cause the same to be amended accordingly."

Errors or mistakes in compositions may be amended.

act. 29. "All the monies arising by compositions entered into or renewed under the said former acts or this act (the necessary charges of inspection and accounting for the same excepted) shall from time to time be paid into the receipt of his majesty's exchequer at Westminster, to the account of assessed taxes in Great Britain, and shall be carried to and form a part of the consolidated fund of the United Kingdom of Great Britain and Ireland."

Monies arising by compositions to be paid into consolidated fund.

act. 30. "And be it enacted, that the word 'horse' or 'horses,' wherever the same occurs in this act, shall respectively be construed to include any mare or gelding or mares or geldings, as well as horses or horses; and that wherever in this act any word is used im-

Construction of words.

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Schedule annexed to be deemed part of act.
How form shall be used.

porting the singular number or masculine gender only, yet importing the singular number shall be construed to extend : plied to several persons or things as well as to one person or such word importing the masculine gender shall be construed and be applied to females as well as males, unless in the se aforesaid, or any of them, it be otherwise specially provided, something in the subject or context repugnant to such constru

Sect. 31. "The schedule hereunto annexed shall be deemed this act, as if the same had been inserted herein under a sp ment: provided always, that it shall be lawful for the commi this act to use the said form, as well where the composition prise all the duties therein mentioned, or a part or parts th striking out all such part or parts thereof as may not relate to not intended to be included therein."

" The SCHEDULE to which this Act refers.

" No. 1.

" Notice to be used by Persons desirous of compounding for their Ass

" To , surveyor acting for the parish of , in of , in the county of , and to the commiss for the said division.

" Take notice, that I am desirous of compounding for assessed the powers, conditions, and provisions of an act passed in the the reign of king William the Fourth on my establishment in the so of ; the particulars of which are as follows : viz.

ESTABLISHMENT.	
Servants	Schedule (C.) No. I.
Four-wheel Carriages	Schedule (D.) No. I.
Two-wheel Carriages	Schedule (D.) No. II.
Horses for Riding	Schedule (E.) No. I.
Race-Horses	Schedule (E.) No. III.
Dogs	Schedule (G.)
Hair-Powder	Schedule (I.)
Armorial Bearings	Schedule (K.)

" And that I will attend to execute and receive the contract of tion when required by the commissioners.

" Signed the day of , 18 .

" Witness,

" Assessor or collector of the } above-named parish.

" No. 2.

" Notice to be used by Persons desirous of renewing their former C

" To the commissioners acting for the division of , i of .

" Take notice, that I am desirous of renewing my former composi assessed taxes, under the powers, conditions and provisions of a in the fifth year of the reign of king William the Fourth, and attend to execute and receive the contract of my composition when requ

“ FORM of renewed Contract of Composition for Assessed To

ESTABLISHMENT.		Amount of Duties.	<p>Know all men, that we, commissioners acting in the exercise of our power, in relation to assessed taxes of _____, in the county of _____, have contracted and agreed with A. _____ of the said division, in pursuance of an act passed in the fifth year of William the Fourth, for the composition of _____ assessed in the margin hereof: name _____</p> <p>Upon servants, horses, & _____ of _____ establishment, expressed therein, to _____ additional rate granted _____</p> <p>Which several amounts are collected by the collectors of the said parishes; viz.</p> <p>1st instalment, on or before _____ of October.</p> <p>2nd instalment, on or before _____ of April.</p> <p>And so yearly during the _____ from the fifth day of April in the said act.</p>
Nos.	Schedules.		
Servants	(C.) No. I.		
Four-wheel Carriages	(D.) No. I.		
Two-wheel Carriages	(D.) No. II.		
Horses for Riding	(E.) No. I.		
Race-Horses	(E.) No. III.		
Dogs	(G.)		
Hair-Powder	(I.)		
Armorial Bearings	(K.)		
Composition Duty of £5 per Centum, under Act of 59 Geo. III. c. 51			
The like, under Act 1 & 2 Geo. IV. c. 113			
Total Amount of Duties			
Composition Duty of £ _____ per Centum, by 5 Will. IV.			
Total Amount of Composition			

“ The condition of the above composition is, that the above-named _____ cause to be paid to the collectors for the said _____, or one of them, on or before _____ mentioned, upon demand, the yearly sum of _____ by two instalments, in each year, in or before _____ their or his receipt in writing for the same; otherwise the said composition shall be void, and the goods and chattels of the said _____, or sued for and recovered by any means by which the monies due on assessments may be sued for and recovered.

“ Witness, _____ } Commissioners of the w
“ Clerk, _____ }
“ Witness, _____ }
“ Clerk. _____ } The party hereto.”

“ N.B.—With the consent of the commissioners, the collector of the parish shall sign the signature of the party to the contract.”

4. Of Compounding for Assessed Taxes.

5 & 6 W. IV.
c. 64.

until the first day of October, one thousand eight hundred and five, inclusive; and the respective surveyors to whom such notices have been or shall be delivered within the period limited by this act, shall diligently inquire into and examine such notices, and certify their objections thereto at any time within one calendar month next to the delivery thereof respectively, or at the furthest within one month next after the said first day of October; and the respective commissioners acting in the execution of the said acts are hereby authorized and required to enter into composition with such persons respectively who have given or shall within the period limited by this act give notices as aforesaid, subject to the rules, regulations, and conditions of the provisions of the said recited act, in like manner as if such notices had been delivered within the time limited by the said recited act: provided the contracts of such compositions respectively shall be entered into by the said commissioners and the party compounding on or before the first day of December, one thousand eight hundred and thirty-five, which contracts of compositions when executed by the said commissioners or any two or more of them, and by the party aforesaid, in the manner directed by the said recited act, shall be of the like force and effect, and subject to the like powers and conditions for payment, to all intents and purposes as if the said compositions had been entered into under the directions of the said recited act: provided always, that upon every contract of composition executed as aforesaid after the first day of October, one thousand eight hundred and thirty-five, there shall be paid one moiety of the amount payable under the same within ten days next after the execution of such contract."

Compositions extended.

The 2 & 3 Vict. c. 35, s. 1, extended compositions for assessed taxes under 4 & 5 Will. IV. c. 54, for the further term of one year ending 5th of April, 1841. Sect. 2, except in cases where parties have given notice to determine same on 5th of April, 1840.

By 3 Vict. c. 38, s. 1, compositions under the two last mentioned acts were further extended for one year ending 5th of April, 1842. Sect. 2, except in cases where parties may have given notice to determine same on 5th of April, 1841.

By 4 & 5 Vict. c. 26, s. 1, compositions for assessed taxes were further extended for a further term of one year ending the 5th of April, 1843: in cases where parties shall give notice to determine same on the 5th of April, 1842. Sect. 2, such notice to be given on or before the 1st of October, 1842.

Tea, Hawking of. See "*Hawkers and Pedlars*," Vol. III. See also "*Excise and Customs*," Coffee, Tea, &c., Vol. I.

Technical Words, Statement of, in Indictment. See Vol. III.

Tenants, Larceny by, see "*Larceny*," Vol. III. Distress for rent, see "*Distress*," Vol. I.

Tender of Amends. See "*Justices*," Vol. III.

Terriers, Proof by. See "*Evidence*," Vol. II.

7 & 8 Geo. IV.
c. lxxv.

4 Geo. II. c. 24.

10 Geo. II. c. 31.

84 Geo. III. c. 65.

29 Car. II. c. 7,
s. 2.

Recited acts of
6 Hen. VIII.,
2 & 3 P. & M.,
1 Jac. I.,
11 & 12 Will. III.,
4 Anne, 2 Geo. II.,
4 Geo. II.,
10 Geo. II.,
34 Geo. III., and
so much of
29 Car. II. c. 7.,
as prevents tra-
velling by water
on Sunday, re-
pealed.

Repeal of recited
acts not to revive
any acts repealed
by them.

Limits of this act.

Company incor-
porated (a).

Second, intituled 'An Act to explain and amend a Clause in a passed in the Second Year of His Majesty's Reign (for making mor-
tual several Acts relating to Watermen, Wherry-men, and Light-
rowing on the River Thames), so far as the same relates to Ferry
and Flat-bottomed Boats:' and whereas an act was made in the
year of the reign of his said majesty king George the Second, in
'An Act for regulating the Company of Watermen, Wherry-men
Lightermen rowing on the River Thames, between Gravesend,
County of Kent, and Windsor, in the County of Berks:' and when
act was made in the thirty-fourth year of the reign of his late majes-
ty George the Third, intituled 'An Act for better regulating and gov-
erning the Watermen, Wherry-men, and Lightermen upon the River of
Thames between Gravesend and Windsor;' and thereby the court of lord
and aldermen of the city of London were empowered to make
orders, and constitutions for the better government and regula-
tion of watermen, wherry-men, and lightermen upon the said river Thames
between Gravesend and Windsor, and to alter, repeal, and make new
same, or any of the rules, orders, or constitutions then in force in
manner and with the approbation therein mentioned: and whereas
an act passed in the twenty-ninth year of the reign of king Charles
the Second, intituled 'An Act for the better Observation of the Lord's
day commonly called Sunday,' it was enacted, that no person or persons
should use, employ, or travel on the Lord's day with any boat, wherry,
or barge, except it were upon extraordinary occasion, to be allowed by
some justice of the peace of the county, or head officer, or some justice
of the city, borough, or town corporate where the fact should be committed,
upon pain that every person so offending should forfeit and lose the sum
of 5s. for every such offence: and whereas the purposes of the several
in part recited acts would be better effected if the watermen, wherry-men,
and lightermen on the river Thames, at and between Windsor aforesaid
and Yantlet Creek, in the county of Kent, were incorporated, and the
laws respecting them were consolidated and amended;" it is enacted
"That from and immediately after the first day of August next after
the passing of this act, all the several in part recited acts of the sixth
year of the reign of king Henry the Eighth, the second and third years
of the reign of king Philip and queen Mary, the first year of the reign of
king James the First, the eleventh and twelfth years of the reign of king
William the Third, the fourth year of the reign of queen Anne, the
fourth, and tenth years of the reign of king George the Second, the
thirty-fourth year of the reign of his said late majesty king George
the Third, and also so much of the said in part recited act of the
twenty-ninth year of the reign of king Charles the Second, as prevents any
person or persons from using, employing, or travelling on the Lord's day
with any boat, wherry, lighter, or barge, or imposes any penalty or puni-
shment for so doing, shall be, and the same respectively are hereby repealed."

Sect. 2. "The repeal of the said several hereinbefore in part recited
acts shall not revive any acts of parliament, or any part or parts of any
act of parliament, which have been altered or repealed by the said several
acts before in part recited acts respectively, or any of them."

Sect. 3. "This act and the several provisions thereof shall extend
and be construed to extend to all parts of the river Thames, from and
to and including the town of New Windsor, in the county of Berks,
and opposite to and including Yantlet Creek, in the county of Kent,
to all docks, canals, creeks, and harbours of or out of the said river
as far as the tide flows therein."

Sect. 4. "From and after the said first day of August next after
the passing of this act, the said company of watermen, wherry-men

(a) See the *Conservators of River Thames v. Ash and others*, (10 B. & C. 349); *Id.* 393, as to what will constitute a
Company of Proprietors of Bridgewater Canal Navigation, &c.

7 & 8 Geo. IV.
c. lxxv.

Regulations as to
quorum, and
voting, &c.,
at courts.

Master and war-
dens to be elected
yearly by the
court, and to be
approved of by
the court of
mayor and alder-
men.

Oath to be taken
by the masters
and wardens.

more members, being considered to have seniority acc in which they are or shall be named) shall preside."

Sect. 12. "No business shall be transacted at any c members be present; and all business transacted at a more members shall be as valid in the absence of the n or any of them, as if they were all present; and that : court shall be decided by the majority in number o members present, and every member shall have one division there shall be an equal number of votes on master, warden, or other member presiding at such second or casting vote; and the proceedings of every tered in a book to be kept for that purpose, and sig warden, or member who shall preside."

Sect. 13. "The quarterly court to be holden next a June in every year, shall elect one of the wardens for the said company to be the master of the said compa year, and one other of the wardens or other members to be the senior warden of the said company for the three others of the wardens or other members of the : junior wardens for the ensuing year; and the mast elected shall be presented to the then next court of n of the said city of London; and if the said court of n shall not approve of the warden elected master, or of t ber elected senior warden, or of the members elected aforesaid, or any of them, the said court of master, war shall forthwith cause the clerk of the said company to ordinary court, and proceed to elect, in the place of th who shall not be approved of, another of the wardens t if the warden elected shall not be approved of, and ano or members to be senior warden, if the warden or memt be approved of, and others or another of the members t or warden, if the members elected junior wardens, or not be approved of, and shall present such persons o last aforesaid to the next court of mayor and alderm which shall be holden after the said last election, and s a senior warden, and three junior wardens, to be electe said, shall be approved of by the said court of mayor : if none of the wardens shall be approved of by the s and aldermen as master of the said company, the sai wardens, and assistants of the said company shall ele members of the said court to be the master of the : shall in like manner be presented to the said court o men for their approbation, and so on until the said c of a master elected as aforesaid; and, after such a and wardens so elected and approved shall, upon bein hereinafter is mentioned, become the master and w company, and the former master and wardens resp elected, shall go out of office; and the said master a and approved as aforesaid shall continue in office until to be holden next after the first day of June then : from thence until some other persons shall be duly el of, and sworn in in their stead respectively, or they res die, or be removed from being members of the said c

Sect. 14. "No master or warden hereby appointed, approved as aforesaid, shall act in the said office r shall, before the said court of mayor and alderme following oath; (that is to say,)

"I, , elected and approved master [or "ward be] of the Company of Watermen and Lightermen of t swear, that I will faithfully perform the duties of the sai my power."

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ful money; and if he shall have been elected a member of the said the sum of 10*l.* of like lawful money; and any sum so forfeited shall may be recovered by the court of master, wardens, and assistants of the said company, by an action of debt, bill, plaint, or information, brought in the name of the clerk of the said company in any of his majesties courts of record at Westminster, with full costs of suit, wherein no privilege, protection, wager of law, or more than one imparlance, shall be allowed; and every person who shall duly serve the said respective office, or make such default upon being elected thereto respectively as aforesaid, shall be liable to be again elected to the same office respectively at any future time or times, and on such refusal or neglect as aforesaid, without any reasonable excuse, satisfactory to the said court of master, wardens, and assistants of the said company, shall be from time to time subject to the same penalties, as often as he respectively shall be elected and make default as aforesaid: provided always, that no person shall be compelled to serve the office of master or senior warden of the said company more than once, or the office of junior warden of the said company more than three times."

revised as to masters and wardens.

Clerk.

Sect. 21. "The quarterly court to be holden in every year on the first day of June shall elect or re-elect a clerk of the said company, and any quarterly or extraordinary court of assistants may re-elect said clerk, and on the death, resignation, or removal of any clerk shall be elected at the then next or some subsequent court; and Thomas Shelton, gentleman, shall be the first clerk, and he shall continue in office until the said quarterly court to be holden after the first day of June next after the passing of this act, or until another clerk shall be elected and sworn in his place, unless he shall sooner die, or resign, or be removed; and the said Thomas Shelton, and every person elected to the office of clerk, shall, before the court of master, wardens, and assistants, take the following oath; (that is to say,)

Oath to be taken by the clerk.

"I, _____, do swear, that I will faithfully perform the office of Clerk of the Company of Watermen and Lightermen of the River Thames, to the best of my power.
So help me God."

And every clerk shall, previously to his entering into the execution of the said office, give security to the master and wardens for the time being, with two sureties to be approved of by the court of master, wardens, and assistants, in the penalty of 500*l.*, for the due execution thereof, and for duly accounting for all monies to be received by him for the use of the said company by virtue of his said office."

Accounts to be kept by the clerk.

Sect. 22. "The accounts of the said company shall be regularly kept by the said clerk under two distinct heads, and in different books, to be entitled 'the poor's accounts,' and the other to be entitled 'the company's accounts;' and that the said accounts shall be audited by the said court of master, wardens, and assistants, at their quarterly court, which shall be holden next after the first day of June in every year, and a committee to be by them appointed for that purpose, consisting of not less than five members of the said court, or oftener if occasion shall require."

Clerk to summon and attend courts and be entitled to fees.

Sect. 23. "The said clerk shall summon or cause to be summoned every member of the court of master, wardens, and assistants, to every meeting of the said court, by causing a written or printed notice to be left at the usual places of abode of such members respectively, and they shall attend every meeting of the said court, unless prevented by any other reasonable cause, and shall receive, on the execution of their duties, such fees respectively, and also such salary, as the said court of master, wardens, and assistants shall from time to time appoint."

Penalty on clerk for neglecting to register.

Sect. 24. "If the clerk of the said company shall refuse or neglect to register the name and place of abode or work of any freeman, or of any vessel, or the number of any wherry, boat, or other vessel,

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c. lxxv.

Regulation as to
the number of
apprentices.

it shall be lawful for the widow of any freeman to bind, take, and employ apprentices, in the same manner as her husband might have done if living."

Sect. 29. "No freeman of the said company, or the widow of any man, shall at the same time have more than two apprentices, or a second apprentice until the first shall have served four years at the least apprenticeship, unless such freeman or widow shall be the owner of one barge, lighters, or flat-bottomed craft; and every freeman or widow, being the owner of such barge, lighters, or flat-bottomed craft, may have three apprentices at one time, and being the owner of twenty lighters, or flat-bottomed craft, may have four apprentices, and not more; and if any freeman or widow shall take or employ a greater number of apprentices than hereinbefore are mentioned, he or she shall, for every additional apprentice, forfeit and pay any sum not exceeding 10*l*. to the said court, for the binding of apprentices, may require proof, that the freeman or widow is *bona fide* the real owner of the number of lighters, barges, or flat-bottomed craft, in respect of which any apprentice is proposed to be taken, before the binding of such apprentice, respectively."

No freeman or
widow to take any
apprentice under
fourteen or above
eighteen years of
age.

Sect. 30. "After the first day of August next after the passing of this act, it shall not be lawful for any freeman of the said company, or the widow of a freeman, to bind or take any person as an apprentice who is under the age of fourteen years, or above the age of eighteen years; and no indentures of apprenticeship shall be executed unless it appears to the satisfaction of the court, signed by the minister or churchwardens, for the time being of the parish or place where the person to be bound was or shall be baptized, or by the oath (or affirmation, if of the people called Quakers) of a credible witness, that such person is of the age of fourteen years or upwards, and not under the age of eighteen years."

Penalty for forg-
ing or producing
false certificate
of baptism.

Sect. 31. "If any person or persons shall falsely forge or counterfeit, or knowingly or willingly produce any false or forged certificate, or any false oath or affirmation, of or concerning the age of any person bound apprentice as aforesaid, he or they shall forfeit, for every offence, any sum not exceeding 10*l*., and the indentures of apprenticeship of such apprentice shall be null and void, to all intents and purposes whatsoever."

None but free-
men or widows
whose names and
places of abode
or working are
registered in the
books of the com-
pany to take
apprentices.

Sect. 32. "After the first day of August next after the passing of this act, no freeman of the said company, or widow of a freeman, shall employ any apprentice or apprentices, unless he or she shall be a freeman, or have some known place of abode or of work; and every freeman, or widow of a freeman, shall, on the first day of September next year, or within ten days afterwards, give notice to the clerk of the said company for the time being, of his or her place of abode or work, in which that the same may be registered; and such freeman or widow shall keep such apprentice or apprentices in the house in which he or she shall be, and upon any application made to the clerk of the said company to that effect, the place of abode or work of every freeman or widow as aforesaid, and the names of such apprentice or apprentices, shall be registered in a book or books of the said company kept for that purpose, without fee or reward; and if any such freeman or widow, who shall bind or employ any apprentice or apprentices, neglect or refuse to give such notice of his or her place of abode or work as aforesaid, or shall not lodge his or her apprentice in the same house, he or she shall, for every such offence, forfeit and pay any sum not exceeding 10*l*.; and the apprentice or apprentices of such person shall, upon application made to the court of master, wardens, and assistants of the said company, at any of their meetings, be by them turned over to any other master or mistress, any indenture, covenant, contract, or agreement to the contrary notwithstanding."

Proviso as to the
lodging of appren-
tices.

Sect. 33. "Nothing herein contained shall extend to prevent any freeman, or the widow of any freeman, being the owner or master of a Gravesend boat, decked sailing-barge, or other decked craft or ves-

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feit and pay for the first offence, for every person or passenger exceeding such number, any sum not exceeding 40s.; and every person or person who shall offend in the premises a second time, and be thereof convicted, shall be disfranchised, and shall not be allowed to work, row, or manage any wherry, boat, or other vessel, or to enjoy any of the privileges of a freeman of the said company, for the space of twelve calendar months; and in case any greater number of persons or passengers shall be carried in any such wherry, boat, or other vessel, than are respectively allowed to be carried therein as aforesaid, and any one or more persons shall by reason thereof be drowned, every person or persons who shall work or navigate such wherry, boat, or other vessel, offending in that behalf and being thereof lawfully convicted, shall be deemed guilty of a felony, and shall be liable to such punishment as in cases of felony, at the discretion of the court before whom such offence shall be tried and convicted; and every such person so convicted shall be disfranchised, and not allowed at any time thereafter to work or navigate any wherry, boat, or other vessel, or to enjoy any of the privileges of a freeman of the said company: provided always, that no licence shall be granted by the said master, wardens, and assistants, to any person of the said company, or the widow of any freeman, residing at Greenwich at Milton next Gravesend, to use and work for hire any wherry for carrying more than ten persons or passengers, unless he or she shall produce a licence from the mayor, jurats, and common council of London, together with a certificate of his or her being a fit and proper person for that purpose."

The names of persons keeping boats, &c. for carrying goods, without passengers (except as after mentioned), and also the names of such boats, to be registered in the books of the company.

The names and numbers of such boats to be painted thereon.

Names of owners residing out of the limits of the act to be painted on their lighters, &c. navigated within the limits.

Sect. 39. "The said court of master, wardens, and assistants, upon request in writing, addressed to the clerk of the said company, and the hall of the company, or the office of such clerk, of every person or persons who now keep or shall hereafter keep on the said river, within the limits of this act, any lighter, barge, or other boat or craft, used or to be used for the carrying of goods, wares, or merchandize, without passengers from or to any place or places, ships or other vessels, (except as after is mentioned,) shall cause the name or names and place or places of abode of such person or persons, and also the name or names by which any such lighter, barge, boat, or other craft for carrying goods, wares, or merchandizes, shall be called or designed to be called, to be duly entered in a book or books to be kept by the clerk of the said company for that purpose, to whom every such person or persons shall pay, for the use of the said company, 1s. for each lighter, barge, or other boat or craft for every such registry, and shall also cause a number for such lighter, barge, or other boat or craft respectively, to be forthwith delivered to the said clerk to such owner or owners, who shall cause the same, together with the name or names of the said lighters, barges, and other boats or craft, to be painted white on a black ground, in capital letters and figures, the figures to be not less than six inches long, and broad in proportion, and the letters not less than four inches long, and broad in proportion; and such figures and letters to be painted on the hudds boards of barges on the bows of lighters and other craft, and to be preserved as long as legible, so as to be plainly seen in the day-time by persons passing the said river; and no person or persons shall have two lighters, or other boats or craft of the same name; and if any such lighter or other craft shall be worked or navigated without being registered without the number and names being painted and legible as aforesaid, the owner or owners thereof shall for every such offence forfeit and pay any sum of money not exceeding 40s."

Sect. 40. "Every person not residing within the limits of this act who now keeps or shall hereafter keep any lighter, barge, or other boat or vessel, used or to be used for the carrying of goods, wares, or merchandize, which may be navigated on the said river within the limits of this act, shall cause his or her name and place of abode, and also the names by which any such lighter, barge, or other boat, craft, or

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c. lxxv.

Persons farming
the same to em-
ploy no person
who has not been
approved of by
the court.

Sunday ferries
not to be ap-
pointed within
200 yards of
Vauxhall Bridge.

Watermen not to
ply or work on
Sunday, below
London Bridge,
at the plying
places next above
and below any
Sunday ferry.

Justices at
Gravesend to li-
cense watermen
to work on Sun-
days.

Application of
fares received at
Gravesend on
Sundays.

same according to the highest bidder or bidders, who shall to their satisfaction for payment of the rent or sum or sum by him or them for such plying and working; and that whom the said court shall appoint to ply and work as a person or persons who shall take such plying or working person or persons employed by or under him, shall demand any person or persons whom he or they shall ply to or said river, any greater sum of money than 2*d.* for each person shall forfeit and pay for every such offence any sum not exceeding 5*l.*

Sect. 44. "Provided that, if any person or persons to ply and work, or taking such plying and working to ferry shall employ, or wilfully permit or suffer any other person employed, in plying or working as aforesaid, until such person or persons, and the boat or boats to be used by him have been approved of for that purpose by the said court, warden, and assistants, he or they shall for every such offence pay a sum not exceeding 5*l.*"

Sect. 45. "Provided that nothing herein contained shall authorize or empower the said court of master, wardens, and any other person or persons whomsoever, to appoint any person or grant any licences to any watermen or others to ply on a Sunday, from or at the stairs on either side of the bridge or at any stairs or other place within two hundred yards of the said bridge, so as to interfere with, prejudice, or affect the same to be taken for crossing the same."

Sect. 46. "No freeman of the said company, nor an apprentice, or to the widow of a freeman of the said company shall be appointed as aforesaid, shall ply for, or take or carry at or from any common stairs or place of plying on either side of the river at and below London Bridge, at which the said court shall license watermen to ply and work as aforesaid, any fare or pass on the said river, or to either of the two common stairs or places on the opposite side of the said river next above or next below the stairs at which such freeman or apprentice shall ply, nor to any other stairs to which the fares and passengers taken at such several common stairs and places of plying are usually conveyed, nor to be appointed or to be appointed by the said court to ply and work on any ship, vessel, or craft lying or being on the said river within two hundred yards of such two other stairs or places of plying, on pain of forfeiting and paying for every such offence any sum of money not exceeding 5*l.*"

Sect. 47. "It shall be lawful for the justices of the peace for the corporation, villages, and parishes of Gravesend, or either of them, to grant licences, at their or his discretion, to any freeman or apprentice of the said company residing at Gravesend, or the apprentices of such freemen, or the widows of such freemen, to carry goods and passengers for hire at a small sum of money on Sundays; and such licence shall continue in force for so long time as shall be therein expressed: provided nevertheless, that the justices, or either of them, shall have power and authority at any time to recall such licences before the expiration of the term respectively to be expressed for the continuance of the same."

Sect. 48. "The fares or sums of money to be taken by the said freemen and apprentices licensed to work at Gravesend shall be paid by them to such persons as the said court shall think proper, warden, and assistants of the said company shall from time to time think proper; and out of the said monies such sums shall from time to time think proper and fix, shall be paid to the said freeman and apprentice for his day's labour, and the surplus shall be distributed twice in every year to or for the benefit of the said company residing at Gravesend, and the widows of such freemen residing at the same place, under such regulations and in

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subject to a penalty, and not entitled to their fare.

The court empowered to regulate the affairs of the company.

Court may make by-laws.

Court of aldermen empowered to make by-laws, and alter by-laws made by the court of the company.

don and Gravesend, shall wilfully or negligently lose the (on shore for the taking in of any other passenger or passer or by loitering on the voyage or by the way, or if the pas of them, of any such vessel or boat, shall be put out of the place to which such vessel or boat shall have been vessels detained by want of wind only excepted,) then and case such passengers or passenger are hereby discharged their or his respective passage-money, and the waterma shall forfeit and pay for every such offence any sum exceeding 40s., and shall also be liable to be sued or prose the party injured, in such manner as if no penalty had b this act."

Sect. 55. "The said court of master, wardens, and have full power to superintend, regulate, and control all concerns of the said company, and to order and dispose of their common seal, and the use and application thereof

Sect. 56. "It shall be lawful for the said court of m and assistants, and they are hereby empowered, from ti make and set down in writing such rules or by-laws as t proper for the good government of the said company, and ing the fees which shall be taken on the binding of appre assignment of them, and the admission of members, and sions, for the better maintenance of the company, and th other sums to be paid by the freemen, and for regulati of the said company, and their widows and apprentices, a other craft to be worked or rowed by them within the lin and to annex reasonable penalties and forfeitures for the rules or by-laws respectively, not exceeding the sum of offence, provided the same rules or by-laws be not incons of the laws of this kingdom, or the provisions and direct contained, or any of them, or any rules or by-laws to l said court of mayor and aldermen by virtue of this act, c and also from time to time to alter, amend, repeal, or r rules or by-laws, or any of them, as to the said court of m and assistants, in their discretion shall seem meet, so as al altering, amending, or repealing thereof respectively, the r to be made by the said court of master, wardens, and every such alteration, amendment and repeal, be approved time to time, by the said court of mayor and aldermen, every such approval be allowed as hereinafter is mentione

Sect. 57. "It shall be lawful for the said court of m men, and they are hereby empowered, from time to time t down in writing such rules and by-laws as they shall th the government and regulation of the freemen of the said their widows and apprentices, and the boats, vessels, and be rowed or worked within the limits of this act, and t able penalties and forfeitures for the breach of such rul respectively, not exceeding the sum of 5*l*. for any one of the same rules or by-laws be not inconsistent with any of kingdom, or the provisions and directions in this act cor of them; and also from time to time to alter, amend, i void such rules and by-laws, or any of them, or any r which shall have been made at any time or times by tl master, wardens, and assistants, and approved and allow fore and hereinafter is mentioned, so as, after the m amending, or repealing thereof respectively, the said rul to be made by the said court of mayor and aldermen, : alteration, amendment, and repeal of any such rules or by rules or by-laws to be made, altered, or amended by th master, wardens, and assistants, and approved, altered, or said court of mayor and aldermen, be allowed as hereinafter

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Penalty on de-
manding more
than the fare.

List of fares to be
advertised and
made public.

Lists of fares to
be put up at cer-
tain plying places
between Chelsea
Bridge and Green-
wich, and also
half mile posts
or piles westward
of Chelsea Bridge
and eastward of
Greenwich.

under the hands of three of the said privy council at the fares or prices, or any alteration therein, shall be valid, unless shall have been allowed as aforesaid."

Sect. 62. "Every freeman of the said company, and every a freeman, or of the widow of a freeman, who shall demand his or their labour or fare, within the limits of this act, more prices or sums to be limited and fixed by the said court of aldermen, and allowed as aforesaid, shall forfeit and pay for offence any sum not exceeding 40s.

Sect. 63. "The said court of mayor and aldermen shall cause the fares or prices to be from time to time limited or fixed within thirty days next after the same, or any alteration there been allowed by three or more of the privy council as aforesaid, to be advertised in the London Gazette and two London newspapers, to be printed and sent to the several public offices established of parliament for the administration of justice in the counties of Middlesex and Surrey."

Sect. 64. "The said court of master, wardens, and assistants shall cause a list of such of the fares and prices to be from time to time limited or fixed, and advertised as aforesaid, as they shall think proper, to be painted on boards in legible characters, of such height and position, and up or affixed at or near such of the plying places within the limits of this act, in such situations and in such manner as the said court of master, wardens, and assistants shall from time to time direct; and shall also cause piles to be placed or driven in or near the banks or sides of the River Thames, between Chelsea Bridge and Teddington Lock, Greenwich Hospital stairs and Woolwich, and at such other places within the limits of this act, as the said court of master, wardens, and assistants shall from time to time direct, at the distance of half a mile from each other, with letters and figures thereon, denoting the distance of every pile from Chelsea Bridge or Greenwich Hospital stairs respectively, the letters and figures to be not less than four inches long, and of such proportion; and to be made of cast iron, raised on an iron plate, or in any other manner, and to be erected in such situations, as the said court of master, wardens, and assistants shall from time to time direct; and the said court of master, wardens, and assistants shall from time to time renew such boards and posts or piles, and keep and continue such list of fares, and letters and figures thereon respectively; and if the said court shall neglect to set up or affix such board at any place at which the same shall be directed to be set up or affixed, or shall drive any such post or pile as aforesaid, or shall not, within the time after notice in writing from any person or persons, directed to the said court, shall be left with the clerk of the said company, or at the said Hall, that any such board, post, or pile has been destroyed, or the list, letters, or figures, or any such board, post, or pile defaced or become illegible, renew or repair, or render the same good (as the case may require), the said court for every such offence shall forfeit and pay the sum of 25*l.*, the whole whereof shall go to the persons who shall inform or sue for the same; and if any person shall wilfully break, cut down, pull up, or damage any such post, or pile, or obliterate, deface, spoil, or destroy all or any part of the list, letters, figures, or marks which shall be painted thereon, he or they, being thereof lawfully convicted, shall be guilty of a misdemeanour, and be liable to such punishment of misdemeanours, at the discretion of the court before whom the offender shall be tried and convicted; and on the conviction of any offender, the said court of master, wardens, and assistants shall pay the sum of 20*l.*, as a reward to the person or persons who shall inform of the offence, and also pay all the costs in or relating to the prosecution of the offender or offenders; and any penalty hereby inflicted on any person for not setting up, affixing, or placing, or renewing any such

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Penalty on watermen preventing persons reading the names or numbers, or refusing to state their names, or using abusive language.

Saving the powers of the master, &c., of the Trinity House in licensing mariners.

Corporation of the Trinity House to have the same power to make by-laws for their mariners, as is vested in the court of aldermen with respect to watermen.

Copy of intended by-laws and alterations of the Trinity House to be sent to the town clerk of London and the Watermen's Company, thirty days before allowed by the judges.

Mariners licensed by the Trinity House to be limited to the same fares as watermen.

passenger or passengers, shall lawfully direct; then, and in every such case, every such freeman or apprentice so offending shall for every such offence forfeit and pay any sum not exceeding 5*l*."

Sect. 69. "If any freeman of the said company, or any apprentice, or any other person whomsoever, shall refuse to permit or suffer any person or persons to read, or shall in anywise hinder any person or persons from reading, the name and number painted on any wherry, boat, or vessel, as aforesaid, or if any such freeman or apprentice shall refuse to tell, or shall not tell, his christian or surname, or the number of his boat, to any person or persons who shall demand the same, on being paid any fare or price, or shall not answer to such demand, give a false name or names, or number, or shall make use of any scurrilous or abusive language to any passenger or person; then, and in every such case, every such freeman or apprentice, or other person so offending, shall forfeit and pay for every such offence a sum not exceeding 5*l*."

Sect. 70. Provided, "That nothing in this act contained shall extend to abridge or alter any of the powers or authorities vested in the master, wardens, and assistants of the Trinity House of Deptford Strond, in and by an act of parliament made and passed in the eighth year of the reign of queen Elizabeth, intituled, 'An Act concerning Sea-marks and Mariners;' nor shall any mariner or mariners, licensed or to be licensed by the said master, wardens, and assistants of the Trinity House, be prohibited from using any boat or wherry on the said river Thames, or any of the men employed by the said master, wardens, and assistants of the Trinity House, from rowing or using any ballast lighters or boats on the said river, be subject, on reason of any matter, clause, or thing herein contained, to the rules, orders, or government of the said court of mayor and aldermen, or of the said master, wardens, and assistants of the said company, or to any penalties imposed by this act, except as hereinafter is mentioned."

Sect. 71. Provided, "That the said master, wardens, and assistants of the Trinity House of Deptford Strond shall have such and the like power, and authority to make and set down in writing, alter, amend, repeal, make void, rules and by-laws for the government and regulation of mariners licensed or to be licensed by them, and the men employed by them on the said river, and the boats, vessels, and other craft to be rowed and worked by such mariners and men, as is hereinbefore given to the said court of mayor and aldermen with respect to the government and regulation of the freemen of the said company, and their widows and apprentices; and such rules or by-laws shall be approved or altered, and advertised, in the like manner as is hereinbefore required with respect to the rules or by-laws to be made by the said court of mayor and aldermen."

Sect. 72. Provided, "That when and as often as any rules or by-laws shall be made or altered by the said master, wardens, and assistants of the Trinity House as aforesaid, a copy of such intended rules and by-laws or alterations, shall be sent to and left with the town-clerk of the city of London, or at his office, and another copy thereof with the clerk for the time being of the said company, or at Waterman's Hall, for the perusal of the said court of mayor and aldermen, and the said court of master, wardens, and assistants respectively, at least thirty days before the same shall be allowed by the justices or barons aforesaid, or any one or more of them as aforesaid, in order that the said court of mayor and aldermen, and the said court of master, wardens, and assistants, or either of them, may submit their objections (if any) to such intended rules and by-laws, or alterations, to the consideration of the said justices or barons, or any one or more of them, who shall have been requested as aforesaid to peruse and examine the same, before such intended rules, by-laws, or alterations shall be allowed, as aforesaid."

Sect. 73. Provided, "That the prices or fares to be limited and fixed by the said court of mayor and aldermen, and allowed and advertised as aforesaid, shall be binding upon the mariners licensed or to be licensed by the said master, wardens, and assistants of the said Trinity House; and they shall be subject to the like penalties for demanding and taking

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c. lxxv.

not being more than seven days from the time of taking rity, and which security the said lord mayor, recorder, and justice, is hereby empowered to take by way of recognizance; but if, upon the return of such warrant, it shall appear that distress can be had thereupon, then it shall be lawful for the recorder, alderman, or justice, and he is hereby authorized by warrant or warrants under his hand and seal, to cause offenders to be committed to the common gaol or house of the city, county, liberty, or place where the offender is there to remain without bail or mainprize for any time not exceeding calendar months, unless such penalties and forfeitures and all reasonable charges attending the same, shall be satisfied."

Constables not to take watermen, &c. out of their boats, till moored.

Sect. 75. Provided, "That no constable or other officer of any such warrant, apprehend or take any freeman, or mariner, out of any boat or craft which they respectively are on board of, rowing or navigating, until such boat or craft is moored, unless there shall be sufficient hands on board to man the boat, or take care thereof; and notice of this provision shall be put in every such warrant for the information of the constable who may have the execution thereof."

Lord mayor, &c. to summon persons refusing to pay their fare, and order payment, &c.

Sect. 76. "If any person or persons shall refuse to pay the said company, or any apprentice, or any mariner, licensed by the said corporation of Trinity House, as aforesaid, the money justly due to him or them for carrying any such person or persons in his boat or boats, according to the fares or prices which shall be from time to time published, as aforesaid, it shall be lawful for the recorder, or any alderman or justice, as aforesaid, within his jurisdiction as aforesaid such refusal shall be made, and he is hereby authorized upon complaint made of any such refusal, to summon such persons to answer the said complaint, by causing such summons to be served personally, or by leaving the same at his, her, or their respective place of abode; and if any person or persons, summoned, as aforesaid, shall refuse or neglect to appear and answer the said complaint or complaints made against him, her, or them, or to pay the said money justly due to him or them, or to make such payment as last hereinbefore is mentioned, it shall be lawful for the said lord mayor, recorder, alderman, or justice respectively in and under the respective jurisdiction as aforesaid, and he is hereby required to issue a warrant for apprehending such person or persons, upon the return of such his, her, or their refusal, as aforesaid, and serve the same upon them, and to cause the party or parties so offending to be committed to prison, or to cause the party or parties accused being committed to prison, to be kept in prison, by the lord mayor, recorder, alderman, or justice respectively, either in the house of correction, or in any other prison, until such summons or of such warrant, as last hereinbefore is mentioned, is complied with, and he is hereby authorized and required, upon due return of such refusal of payment unto any freeman, or apprentice, or mariner, to order the money justly due to him for carrying the person or persons in his boat or boats, upon oath or upon confession of the person or persons so refusing to pay, or upon the return of the person or persons so refusing to pay, to order payment of such sum or sums of money which he or they are so refusing to pay, and he is hereby authorized to award reasonable satisfaction to be made to him or them for the loss of time and costs, in the discretion of the said lord mayor, recorder, alderman, or justice respectively; and if the said person or persons so offending shall not pay such sum or sums of money, and shall not make reasonable satisfaction (if awarded) as aforesaid, it shall be lawful for the said lord mayor, recorder, alderman, or justice respectively to commit the person or persons so refusing to some prison within the city of London, or the said several counties or places adjoining to the city of London, there to remain for any space of time not exceeding calendar months, unless the sum or sums of money ordered and awarded shall be sooner paid."

therein is mentioned ; and I do adjudge him to pay and forfeit for the sum of _____, being the penalty by him forfeited, and also the sum _____, for loss of time and costs [if awarded, as the case may be], or to be sent to _____, for the space of _____. Given under my hand and seal, and year aforesaid."

79. " In case any freeman, or the widow of any freeman, or any wife of a freeman, or of the widow of a freeman of the said company, make complaint to the said master, wardens, and assistants, for the wronging, of the said company, or any two or more of them, against any such freeman, widow, or apprentice, for any offence or misbehaviour against this act, or any of the said rules or by-laws to be made and approved as aforesaid, it shall be lawful for the said master, wardens, and assistants, or any two or more of them (as well as for the said lord mayor, recorder, alderman, or justice, respectively hereby authorized as aforesaid), they are hereby required to hear and determine concerning any such offence or misbehaviour, and convict the offender, as hereinafter is mentioned and directed (that is to say) ; in every such case it shall be lawful for the said master, wardens, and assistants, or any two or more of them, upon complaint made by any such freeman, widow, or apprentice, as aforesaid, to cause the freeman, widow, or apprentice, offending as aforesaid, to be summoned personally, or by leaving such summons at his, her, or their last or usual place of abode, to appear and answer to the said complaint, and the party accused being before the said master, wardens, and assistants, or any two or more of them, to hear and examine upon oath the complainant, or any witness or witnesses, touching such offence or misbehaviour, and determine concerning the same ; and if the freeman, widow, or apprentice accused shall be convicted of any such offence or misbehaviour, it shall be lawful for the said master, wardens, and assistants,

Members of the court of the company to hear and determine complaints between watermen and watermen.

7 & 8 Geo. IV.
c. lxxv.

or any two or more of them, and they are hereby required, fine upon such offender for the said offence or misbehaviour, and the penalty or penalties inflicted or to be inflicted by this act, rules or by-laws to be made and approved of as aforesaid, or : and if the freeman, widow, or apprentice convicted, shall not fu the penalty or forfeiture so imposed upon him, her, or them lawful for the said lord mayor, recorder, or any alderman o aforesaid, within whose jurisdiction, as aforesaid, the said off behaviour shall have been committed, and he is hereby re production to him or them respectively, of such conviction (writing, to issue his warrant for apprehending such freeman apprentice, and to cause such penalty or forfeiture to be paid to commit the party convicted, in the same manner in all hereinbefore is expressed with respect to any party who shall by or before the said lord mayor, recorder, alderman, or ju tively : and such conviction by the said master, wardens, an or any two or more of them, shall be drawn up in the follow words, or in any other form of words to the same effect (that

Form of conviction by the court of master, wardens, &c.

" *Be it remembered, that on this day of to wit. } year of his Majesty's reign, A. B. is convi* [describe the master, wardens, or assistants, as the case may be], *pany of Watermen and Lightermen of the river Thames, for [here offence] ; and we do adjudge him to pay and forfeit for the s of . Given under our hands and seals, the day and said."*

Penalty on persons summoned not appearing

Sect. 80. Provided " that if any party summoned by the wardens, and assistants, or any two or more of them, shall re lect to appear and answer the complaint made against him or assigning a reasonable cause for such refusal or neglect, to by the said master, wardens, and assistants, or any two or m he or she shall, for such refusal or neglect, forfeit and pay money not exceeding 20s."

Jurisdiction of the court of the company not to extend to any but freemen.

Sect. 81. Provided " that the jurisdiction or authority her the said master, wardens, and assistants, or any two or m shall not be construed to extend to the conviction of any : shall not be a freeman of the said company, or the widow o man, or the apprentice of any such freeman or widow."

As to apprentices imprisoned for offences against this act.

Sect. 82. " Every apprentice to any freeman, or to the widow man, who shall be imprisoned for any offence against this s the rules or by-laws as aforesaid, shall serve as an apprentic master or mistress, not only till the expiration of the term for apprentice ought to serve according to the laws and custom isting, or this act, and any agreement which may have been : behalf, but also for and during such further space of time, to from the end of the said term, as shall be equal in duration during which such apprentice shall have been imprisoned : and that no such apprentice shall be considered as having s apprenticeship, or entitled to the privileges and benefits of apprenticeship, until he shall actually have served such furt time ; any agreement concerning such apprenticeship, or any or custom, to the contrary notwithstanding."

Mayor, &c., may administer oaths.

Sect. 83. " In every case in which any oath is by this ac be made or taken, or any matter or thing is directed to be pro the said lord mayor, recorder, or any alderman, at any court o aldermen, or the said lord mayor, recorder, aldermen, and ju tively, or the said master, or one of the wardens or assistant any court of master, wardens, and assistants, or any court tices and the admission of freemen, or any two or more of t ter, wardens, and assistants, before whom such oath is hereby be made or taken, or such matter or thing to be proved, sh

7 & 8 Geo. IV.
c. lxxv.

for damages
done to any boat
or craft, not ex-
ceeding 5*l*.

damage, injury, or spoil, to or upon any lighter, barge, boat, ~~wharve~~
or other vessel or craft within the limits of this act, and shall be ~~th~~
convicted within three months next after the committing
before the said lord mayor, recorder, or any alderman
whose jurisdiction as aforesaid such offence shall have
either by the confession of the party offending, or by th
more credible witness or witnesses, or of the party aggr
mises, every person so offending, and being thereof co
said, shall forfeit and pay to the person aggrieved such
as shall appear to such lord mayor, recorder, alderman,
a reasonable satisfaction and compensation for the da
spoil so committed, not exceeding in any case the sum o
sum of money shall be paid to the person or persons a
case such conviction shall take place on the sole evide
aggrieved, then and in such case such satisfaction and co
be paid to the overseer or overseers of the poor of the
or place where the offence was committed; and in defa
the sum of money in which the offender or offenders a
convicted as aforesaid, immediately, or within such ti
mayor, recorder, alderman, or justice shall appoint at th
tion, together with all costs, charges, and expenses att
tion, such lord mayor, recorder, alderman, or justice
commit such offender or offenders to the common g
correction, there to be kept to hard labour for any ti
three calendar months, unless such penalty, costs, and
sooner paid and satisfied."

Appeal.

Sect. 90. "If any person or persons shall think hi
themselves aggrieved by any conviction of the said lord
or any alderman, or justice, or any of the said maste
assistants respectively, on account of any offence commi
to have been committed against this act, or against any
by-laws as aforesaid, such person or persons may appeal
the peace at the next general or quarter sessions to be
place where such cause or appeal shall arise, or if such
holden within ten days after such conviction, then such p
may appeal either to such next general or quarter sessio
sions following such next general or quarter sessions, pr
or persons at the time of such conviction shall enter int
with one sufficient surety, in the sum of 20*l*., to prose
with effect, and to abide by the order or orders which
such appeal; and the said justices are hereby authorized
take cognizance thereof, and to hear and determine such
and may, if they see cause, by order of such sessions, i
discretion, all or any part of the penalties or forfeitures
curred by the party or parties appealing, or vacate or set
tion or convictions, or otherwise may ratify or confirm
such costs as to them, in their discretion, shall seem rea
by their order or warrant such penalties or forfeitures an
by distress and sale of the goods and chattels of the p
who shall refuse to pay the same, and for want of such
mit such person or persons to the common gaol for the said county or
place where the cause of appeal shall arise, for any time not exceeding
two calendar months, or until payment of such penalties or forfeitures and
costs."

Penalties may be
mitigated.

Proceedings not
to be quashed for
want of form.

Sect. 91. "No proceedings to be had touching the conviction of any
offender or offenders against this act, or any matter or thing to be done
or transacted in or relating to the execution of this act, shall be vacated
or quashed for want of form only, or be removed or removable by cer-
tiorari, or any other writ or process whatsoever, into any of his majesty's
courts of record at Westminster, any law or statute to the contrary not-
withstanding."

[but without fourteen days' notice thereof having been given
 or after sufficient amends tendered as aforesaid, or if any
 suit shall not be commenced within the time lastly before
 all be brought in any other county, city, or place than where
 action shall have arisen, then and in any of such cases the
 shall find a verdict for the defendant or defendants; and
 dict, or if the plaintiff or plaintiffs shall become nonsuit, or
 sue his or their action or actions after the defendant or
 all have appeared, or if upon demurrer judgment shall
 not the plaintiff or plaintiffs therein, then and in any of
 esaid, the defendant or defendants shall have double costs, Double costs.
 such remedy for recovering the same as any defendant or
 th or may have for his or their costs in any other cases by
 now as to double costs, the 5 & 6 Vict. c. 97, s. 1 & 2,
 ," Vol. III.]

rovided "that nothing in this act contained shall extend or Saving rights of
 o extend to prejudice or derogate from the rights, interests, city of London.
 echises, or authorities of the mayor and commonalty and
 city of London or their successors, or the lord mayor of the
 ie time being, or to prohibit, defeat, alter, or diminish any
 ity, or jurisdiction which at the time of making this act the
 d commonalty and citizens, or the said lord mayor for the
 i conservator of the river Thames, did or might lawfully
 exercise."

rovided "that nothing in this act contained shall extend to Saving the Duke
 taking away, abridging, hindering, prejudicing, or other- of Richmond's
 r impeaching of any right belonging to or lawfully claimed right to hold a
 Charles, Duke of Richmond and Lennox, lord of the manor court at Graves-
 end, called *Curia Regia*.

7 & 8 Geo. IV.
c. lxxv.

of Gravesend, his heirs, executors, administrators, or assigning of a certain court within the said manor, called *Cm* or the Court of the Watercourse, for the better governing boats, and vessels using the ferry or passage from the to to London, and of the persons owning or working the other rights, liberties, powers, and privileges whatsoever said late duke, his heirs, executors, administrators and to the said ferry or passage, or to the barges, tilt-boats and vessels using the said ferry or passage, or plying at said town of Gravesend, or the persons owning or work otherwise howsoever."

Saving the liberties of the inhabitants of Gravesend.

Sect. 96. Provided "that nothing in this act containe the lessening, taking away, abridging, hindering, prepeaching of any grants, liberties, franchises, customs, usages, now or heretofore lawfully used, held, or enjoyed by the jurats, and capital inhabitants of the villages and parishes of St. Margaret and Milton in the county of Kent, touching, concerning the passage and ferry upon the said river Thames, from and parishes to the said city of London, or touching or government of the said passage or ferry; but that the said watermen and inhabitants, and their successors, shall and may do and every such lawful act and acts, powers and authorities touching the said passage and ferry, and the government thereof, could have done if this act had not been made; anything to the contrary thereof in anywise notwithstanding."

Saving the right of the watermen of St. Margaret's and of St. John's, Westminster.

Sect. 97. Provided "that nothing in this act containe hinder or prevent the watermen of the parishes of St. Margaret and St. John, Westminster, from plying or working cross the river Thames from Westminster Bridge to Standgate, and from the Horseferry Bridge, on every Sunday, and taking the fare of 1*d.* for each person in their several turns, as they have been accustomed and the money earned by them or any of them on that day, is to be from time to time employed for the use of the poor and maimed watermen and their widows, of the parishes of St. Margaret and St. John, Westminster; and any two justices of the said parishes are hereby authorized from time to time to cause the said watermen so working to account for the monies by them earned on that day as aforesaid, and cause the same to be applied as aforesaid; and that the said watermen of the said parishes of St. Margaret and St. John for the time being shall choose two clerks, on the 23rd day of April in every year, yearly, shall happen to be on the Lord's Day, and in such case day; and such watermen of the said parishes, or the majority of them which shall be present at a meeting of their society, shall have power to appoint such of the watermen of the said parishes as in their respective turns work on the Sunday as aforesaid: or apprentice shall ply or work cross the said river at the said places on a Sunday, except the watermen of the said parishes to be appointed by the said master, wardens, and the said company, on alternate Sundays."

Saving the rights, &c., of commissioners of Westminster Bridge.

Sect. 98. Provided "that nothing in this act containe be construed to extend to take away, lessen, abridge, hinder, or impeach, interfere with, or in any manner affect any estate, interest, liberty, privilege, power, or authority, which the watermen of Westminster Bridge have or are entitled to in or in relation to the three several and respective Sunday ferries across from Westminster Bridge to Standgate, and from the Horseferry Bridge, and from Millbank to Vauxhall, or any or either of the said ferries, or other estate, right, title, interest, liberty, privilege, power, or authority, whatsoever, of, belonging, or in anywise appertaining to the said watermen, but that all estates, rights, titles, interests, lib

provided "that, if such person or persons shall carry, or
 ied, in his or their lighter or lighters, or other large craft,
 r passengers for hire, or any goods, wares, or merchan-
 r otherwise than their own as aforesaid, or shall row in or
 mit or suffer any person or persons to row in, navigate,
 h vessel or vessels, who is not a freeman, or an appren-
 m, or to a widow of a freeman of the said company, he
 for any such offence forfeit and pay any sum of money
 0L."

but not let them
 out for hire, or
 permit others to
 row them, not
 being freemen or
 apprentices.

Nothing in this act contained shall prevent any owner or
 ore, or lessees of laystalls, from carrying off the soil from
 s in such lighters or vessels, and by such persons as have
 accustomed; or any owner or owners, or proprietors of
 m bringing chalk in such hoys or vessels, and by such
 hitherto been accustomed; or any gardener from bring-
 cets of the cities of London and Westminster, and the
 their own fruit, herbs, roots, and other produce of their
 and dung, in their boats, and by their own servants, as
 rly been accustomed; or any fisherman from using his
 its for the purpose of his business; nor any ballastman
 vessel for digging, getting, and carrying any ballast; and
 employed, or working, or navigating any lighters, hoys,
 craft, for any of the purposes aforesaid, shall be subject
 alties or forfeitures imposed by this act, or by any rules
 s or to be made as aforesaid, except as hereinafter is men-

Owners of lay-
 stalls, market
 gardeners, &c.,
 may use boats as
 heretofore;

provided, "that if any such owner or owners, proprietors, but to be subject

7 & 8 Geo. IV.
c. lxxv.

to a penalty if
they carry pas-
sengers or goods
for hire.

By-laws of the
court of aldermen
extended to all
boats and vessels.

Public acts.

Further provi-
sions as to offen-
ces, &c. on the
Thames.

Disputes about
wages of barge-
men, &c.

lessees, or gardeners, fishermen, ballastmen, or his or their carry, in any such lighters, vessels, or boats, any passenger or any kind of goods, wares, or merchandize, for hire, or and on their own account, he and they shall for every such and pay any sum not exceeding 10*l*."

Sect. 106. Provided, "that the powers given by this court of mayor and aldermen to make rules and by-laws, t aforesaid, shall extend, and are hereby extended, and ma the government and regulation of the western barges, ferrie boats, and vessels of woodmongers and owners of laystal gardeners, fishermen, and ballastmen, and all other light vessels in the said river, within the limits of this act, altho exempted from the provisions of this act."

Sect. 107 makes it a public act.

The 2 & 3 Vict. c. 47, (The Metropolitan Police Act,) c tions as to the Thames police and for the prevention of o river. See title "*Police*," Vol. V.

By the 2 & 3 Vict. c. 71, s. 37, all differences, complaint which shall happen between any bargemen, lightermen, lastmen, (except Trinity ballastmen), coal-whippers, coal-lumpers, riggers, shipwrights, caulkers, or other labourer hire in or upon the Thames, or the docks, creeks, wharfs, q adjacent, not being in the city of London or the liberties t owners, masters, or commanders of vessels, or their ager river, or the docks or creeks thereunto adjoining, or the ingers, or occupiers of such wharfs or quays, or their a employers, respecting wages or money due to such labour - loss of time, whether the same persons be employed for a or in any other manner, may be heard by any of the sai and every such magistrate is empowered to examine upon labourer, or any other witness or witnesses, touching any or dispute, and to make such order for payment of so r money to such labourer as to the magistrate shall seem that the sum ordered do not exceed 5*l*., besides costs. Se

Theatre. See "*Players*," Vol. V. "*Conspiracy*," V "*orderly House*," Vol. I.

Theft. See "*Larceny*," Vol. III.

Theftbote. See "*Felony*," Vol. II.

aid, or abet the commission of the said offences, or any of
 1 forcibly rescue any person being lawfully in custody of any
 2 person for any of the said offences,] every person so offend- Punishment for.
 3 reof lawfully convicted, shall be adjudged guilty of felony,
 4 able, at the discretion of the court, to be transported beyond
 5 'e, or for such term not less than seven years, as the court
 6 or to be imprisoned only, or to be imprisoned and kept to
 7 the common gaol or house of correction, for any term not
 8 en years." The parts of this enactment between brackets,
 9 eats to extort money, &c., are repealed by the 7 & 8 Geo.
 10 re-enacted by the 7 & 8 Geo. IV. c. 29, s. 8, *post*, 252.
 11 ict be already under sentence of transportation or imprison-
 12 tence may commence after the expiration of the former sen-
 13 Geo. IV. c. 28, s. 10, *ante*, "*Malicious Injuries to Property*,"

c 6 Vict. c. 38, s. 1, this offence cannot be tried at the Not triable at
sessions.
 ons. (See "*Sessions*," Vol. V.)

ngly and wilfully.]—Proof of a prisoner's delivering a threat- Knowingly and
wilfully.
 ealed up, to a person to carry to the post-office, will afford
 idence of his knowledge of its contents. (*R. v. Girdwood*,
 1120; 1 *Leach*, 142, S. C.)

[prior and subsequent letters between the prisoner and the
 ed may be received, to explain the intention of that on which
 t is framed. (2 *Leach*, 749.)

was indicted for sending a threatening letter; the only evi-
 him was his own statement that he never should have *written*
 G.—It was *held*, not sufficient. (*R. v. Howe*, 7 C. & P. 268)

1. *To murder, or to destroy, &c. Property.*

What a sending or delivery.

Send or deliver.]—Dropping a letter in a man's way, throwing it up, is a sending it to him. (*R. v. Wagstaff, R. & R. C.*

In *Lloyd's case* (2 *East's P. C.* 1122), the letter was dropped in a room, frequented by the prosecutor every Sunday morning, and was picked up by the sexton, and given to the prosecutor; and Yates had no doubt but this was a sending, within the act.

So, in *Jepson and Springett's case* (*Id. post*, 251,) the letter was put into the prosecutor's yard, from whence it was taken up by the prosecutor's servant, and delivered to him.

And it was a sending within the 27 Geo. II. c. 15, though the prisoner dropped the letter, if the prisoner did not think it would be picked up by him, and intended he should not. (*R. v. Wagstaff, R. & R. C.*

So, where the prosecutor, having received such a letter from a woman who was in the habit of going of errands for the prisoner in Newgate, and she proved that she received it from the prisoner in Newgate, to put in the post office, and the post office proved that the letter in question was brought to the post office last witness, and forwarded in the regular course; this was held to be evidence, not only of the sending by the defendant, but of the contents. (*R. v. Girdwood, 2 East's P. C.* 1120; 1 *Leach*, 499.)

To have brought the offence within 27 Geo. II. c. 15, it must have been sent to the person threatened, and so stated in the indictment, but the twelve judges intimated, that if a letter threatened B., and the prisoner intended that he should deliver it to A., and so deliver it, this is a sending it by the prisoner to A., and is as such. (*R. v. Paddle, R. & R. C. C. R.* 484; *R. v. Dutton, C. C.* 90. See *R. v. Howe, 7 C. & P.* 268, *supra*.)

A delivery of a letter was not within the former statutes, (*R. v. Hammond, 2 East's P. C.* 1119; 2 *Leach*, 499,) but a delivery of the letter, with the knowledge of its contents, is within the express terms of the present statute.

Nature of the letter or writing.

Any Letter or Writing with or without any Name or Signature thereto, or with a fictitious Name or Signature.]—By the former statutes, 9 Geo. I. and 27 Geo. II., it was no offence if the writer did not conceal himself. Therefore, sending a threatening letter without any name subscribed to it, demanding money, was not an offence within the 27 Geo. II. c. 15, [nor is it, it should seem, under the present act, if the contents of the letter clearly show who was the writer, and the writer has no intention to conceal himself. It was the same in *Heming's case, Warwick Sessions, 2 East's P. C.* 1116; 1 *Leach*, 445, *n.*, *S. C.*)]

In the case of *Michael Robinson*, who was indicted on the 27 Geo. II. c. 15, for sending a letter without any name subscribed thereto, to demand a certain valuable thing, viz. a bank note, it appeared that the letter was signed R. R. It was objected (among other things) that it was not within the statutes, because the letter had a name subscribed to it; but all the judges were of opinion that there was no objection. (2 *East's P. C.* 1110; 2 *Leach*, 749, *S. C.* And *Wagstaff, R. & R. C. C.* 398.)

By the express terms of the present act, "any letter or writing without a name or signature subscribed thereto, or with a fictitious name or signature," is within the act; and a letter with a real name subscribed to it would be considered to come within the meaning of the present act.

Sending a letter to A. B., threatening to burn a house owned by A. B., but let by him to and occupied by a tenant, is within the statute. (*Reg. v. Burridge, 2 M. & Rob.* 296.)

In *R. v. Haine* (6 *C. & P.* 105), *Bolland, B.*, ordered the letter to be deposited in the hands of the clerk of the peace, in order that the prosecutor's witnesses might inspect it before the trial.

Nature of the threat.

Threatening to burn Houses, &c.]—A conviction on the

Geo. II. c. 15, for sending a letter to the prosecutor, threatening 1. To murder, fire to his mill, and likewise to do all the public injury they were or to destroy, him in all his farm and estates," was held wrong, he not then &c. Properly. any mill to which the threat of burning would apply (having parted three years before), and the threat as to the farm, &c. not necessarily implying a burning. *John Jepson* and *George Springett* were upon the act now repealed, 27 Geo. II. c. 15, for sending prosecutor, Mr. Woodgate, a letter according to the following

" March 3rd, 1798.

Woodgate.—Sir, I am very sorry to acquaint you that we are determined to set your mill on fire, and likewise to do all the public injury that we can do you in all your farms and estates which you are in possession of, you on next day release that Ann Wood, which you put in prison. Sir, we mention in a few lines, and we hope, if you have any for your wife and family, you will take our meaning without anything and if you do not, we will persist as far as we possibly can, so you may stand at your heart, and strive your uttermost ruin. I shall not mention more to you until such time as you find the few lines a fact. With our do no more at this time from me. R. R."

It appeared that the letter was in the handwriting of *Jepson*, and was thrown by the other prisoner into Mr. *Woodgate's* yard, from which it was taken by a servant of Mr. *Woodgate*, and delivered to him. *Woodgate* swore that he had a share in a mill three years before the letter was written, but had no mill at that time; that he held a farm on which the letter was written and came to his hands, and still holds it, several buildings upon it. It was objected that this was not such a case as comprehended the offence in the act of parliament, 27 Geo. II. At a conference of the judges after conviction, in Michaelmas 1798, (about *Byre*, C. J.,) it was agreed that, the prosecutor had no such property at the time, as the mill which was threatened to be burnt, that part of the letter must be laid out of the question; but as to the rest of it, Lord *Kenyon*, C. J., and *Buller*, J., were of opinion that the letter must be understood as also importing a threat to burn the prosecutor's farm-house and buildings; but the other judges not thinking it necessary construction, the conviction was holden wrong, and a new trial recommended. (2 *East*, P. C. 1115.)

In the case of *R. v. Girdwood*, a letter accusing the prosecutor of having taken away the life of a friend of the writer's who was come to see him, was ruled to be evidence to go to the jury, upon a charge of sending a letter threatening to kill and murder the prosecutor. Whether the letter amount to a threat to kill or murder, is a fact to be determined by the jury. (*R. v. Girdwood*, 2 *East's* P. C. 1121. And see *Tyler*, 1 *Moody*, C. C. 428; *R. v. Tucker*, post, 253; *R. v. Boucher*, 4 P. 563.)

Indictment.]—The indictment must set forth the threatening letter, in order that the court may judge whether it falls within the purview of the respective statutes. (*Lloyd's case*, 1787; 2 *East's* P. C. 1123. See further on indictment," Vol. III.)

Venue. The party may be tried in the county where the letter was delivered to the prosecutor, though written by the prisoner, and by him sent, in another county. (*Girdwood's case*, 2 *East's* P. C. 1120.)

The offence of sending a threatening letter may be laid in the county where it is delivered by the post. An indictment on the 30 Geo. II. against two defendants for sending a letter to the prosecutor, threatening to accuse him of an unnatural crime, with intent to extort money from him, was laid in Middlesex, but the letter was dated from Maidstone in Kent. The sending it was proved by the defendant's confession. It was objected, that as the letter was dated and sent by the post from Maidstone, the fact of the sending, which constituted the offence, was committed in Kent, and the indictment would not lie in Middlesex. But

2. To extort Money, &c.

Lord Mansfield, C. J., held that, as it was directed to the Middlesex, where it was delivered, that was a sending in the whole was to be considered as the act of the defendant, the delivery in that county. (*R. v. Esser*, 2 *East's P. C.* (Burdett, ante, "Libel," Vol. III.; "Indictment," Vol. III c. 64, s. 12.)

And it seems the prisoner may be tried in the county in which the letter is sent, though the prosecutor may receive it in another county. The offence described in the 9 Geo. I. c. 22, and the 15, is that of sending the threatening letter; it should be so that the offence is complete, as far as depends on the prisoner putting the letter into the post-office, to go into another county. The act of putting the letter into the post-office, in the county of B. (in the language of the statutes) to the prosecutor, though he may afterwards receive it in the county of B.

II. Threats to extort Money, &c.

As to menaces with intent to steal, see "*Robbery*," Vol. I.

As to the offence of actually obtaining money, &c., by accusing another of an unnatural crime, see "*Robbery*," Vol. I.

Letters demanding money, &c.

Accusations and threats of accusation of certain crimes.

Transportation for life, or imprisonment.

What shall be deemed infamous crimes.

General clauses.

Punishment of hard labour or solitary confinement.

Sentence to commence after end of former sentence.

Offence not triable at sessions.

By stat. 7 & 8 Geo. IV. c. 29, sect. 8, "If any person shall send or deliver any letter or writing, demanding money, or valuable security, with menaces, and without any reasonable or probable cause, or if any person shall threaten to accuse, or shall knowingly send or deliver any writing, accusing or threatening to accuse any person punishable by law with death, transportation, or pillory, or assault with intent to commit any rape, or of any attempt to commit any rape, or of any infamous crime, as hereinafter mentioned [sect. 9], with a view or intent to extort or gain from such person any money, or valuable security; every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly whipped (if the court shall so think fit), in addition to any other punishment."

Sect. 9. "The abominable crime of buggery, committed with man or with beast, and every assault with intent to commit the same, and every attempt or endeavour to commit the same, and every solicitation, persuasion, promise, or offer made to any person, whereby to move or induce him to commit or permit the said abominable crime, shall be deemed an infamous crime within the meaning of this act."

See the general clauses affecting all the provisions of "*Larceny*," Vol. III.

By the 7 & 8 Geo. IV. c. 29, s. 4, ante, Vol. III. to the punishment of hard labour or solitary confinement, may be added hard labour and solitary confinement for the whole or any part of the term. But by 7 Will. IV. c. 90, s. 5, such confinement shall not exceed one month at any one time, nor six months in any one year.

If the convict be already under sentence of transportation, the sentence may commence after the expiration of the term of transportation (7 & 8 Geo. IV. c. 28, s. 10, ante, "*Malicious Injuries*," Vol. III).

By the 5 & 6 Vict. c. 28, s. 1, this offence is not triable at sessions.

to what will amount to a guilty *knowledge* of sending, and the 2. *To extort Money, &c.*

IV. c. 29, see *ante*, p. 252.

Here the letter contained a request only, but intimated that, if it were complied with, the writer would publish a certain libel then in his possession, accusing the prosecutor of murder, this was holden to amount to a demand. (*R. v. Robinson*, 2 *Leach*, 749; 2 *East's P. C.* 1110.) But not necessary, under this branch of the statute, that the letter should be a threat: if it appear to *demand* money, &c., in the strict sense of the word, it is sufficient to bring it within the act. A mere request, however, such as asking charity, or the like, without imposing any conditions, does not come within the meaning of the word "demand" in the statute. (*Per Buller, J., S. C.*)

Points as to offence.

Where an anonymous letter stated that the writer had overheard certain persons agree together to do an injury to the person and property of the prosecutor, to whom the letter was sent, and that, if thirty sovereigns were paid in a particular place, the writer would give such information, as might frustrate the attempt, it was held, that this was not a threatening within the 7 & 8 Geo. IV. c. 29, s. 8; although it appeared that the letter was a mere device to defraud the prosecutor of thirty sovereigns. (*Pickford*, 4 *C. & P.* 227).

Whether the letter amount to a threat to accuse the prosecutor of the crime mentioned, is a fact to be determined by the jury. (See *R. v. Wood*, 2 *East's P. C.* 1121).

Where the terms of the letter are doubtful as to the exact accusations the prisoner meant to threaten, his declarations subsequently made, on being asked what he meant to impute, are evidence to explain the meaning of the letter. (*R. v. Tucker*, cor. *Twelve Just.*, 1826 (*MS.*); *Car. C. L.*; 1 *C. C.* 134, *S. C.*)

In *Edward Major's* case, the indictment charged that the prisoner, charged to extort and gain money from one Augustine Rayner, unlawfully, feloniously, and designedly, sent to the said A. R. a certain letter in writing, whereby threatening, &c.: and then set forth the letter, as follows: "Sir, I received a letter respecting the bill which I gave you for the sum of £100; and, as you know, I have it not in my power to pay it, I had, it is an unjust demand. I have only to observe, that if you do not immediately return it to me as an acknowledgment for the obscene and lewd sodomy attempted upon me, &c., I am determined to prosecute you to the utmost rigour of the law, &c. (Signed) *E. Major*, (and dated) 1st, 1796:" with a view and intent to extort and gain money from the said A. R.; against the form of the statute, &c. The judges, on reference to them after conviction, in Michaelmas term, 1796, held the conviction wrong; for the letter was not sent to extort money, but to procure the payment of the bill. (*R. v. Major*, 2 *East's P. C.* 1118.)

Indictment for.

An indictment on the eighth section of the 7 & 8 Geo. IV. c. 29, must, it is held, set forth the letter or writing sent. (See *Lloyd's case*, *ante*, 250.) It need not specify the infamous crime of which the prosecutor was intended to be accused; for the specific crime the prisoner threatened to commit might intentionally be left in doubt. (*R. v. Tucker*, *R. & M. C. C.* 134.)

An indictment charging that the prisoner did feloniously and unlawfully, with intent to extort, &c., "menace and threaten to prosecute," was not good, under the 4 Geo. IV. c. 54 (*ante*, p. 249); but if the indictment had followed the terms of the statute, and the evidence showed a threat to prosecute, the judge would leave it to the jury to say whether that was not a threatening to accuse. (*R. v. Abgood*, 2 *C. & P.* 111.)

An indictment on the statute for demanding money must show by what means the money was demanded: and an indictment on the statute for threatening to prosecute must show who was threatened. (*R. v. Dunkley*, *R. & M. C. C.* 10.)

3. Forms.

It seems questionable whether a count framed on a letter de money will be supported by evidence that the letter was written with a view to extort money. (*R. & M. C. C.* 38; 2 *East's P. C.* 1110 *C. C.* 749. 4th ed., *S. C.*)

See further, as to the indictment and venue, *ante*, p. 251.

III. Forms.

(1). Commitment on 4 Geo. IV. c. 54, s. 3, for sending a letter, threatening to murder or burn, &c.

———. (The county wherein the commitment is made.) *J. P. says* *Her Majesty's justices of the peace for the said county to the constable in the said county, and to the keeper of the common gaol at* , *county.*

These are to command you the said constable, in Her Majesty's name with to convey and deliver into the custody of the said keeper of the common gaol the body of C. D., charged this day before me the said J. P. the oath of A. B. of ———, *and others, for that he the said C. D., on the day of* , *A. D.* , *at the parish of* , *in the said county, knowingly, wilfully, and feloniously, did send [or "deliver"] to A. B. a letter and writing, thereby and therein threatening to kill and murder or "burn or destroy a certain outhouse of," or "houses, outhouses, barns, or of corn or grain, or hay or straw, of," according to the fact] the said C. D. against the form of the statute in such case made and provided. And the said keeper are hereby required to receive the said C. D. into your custody, and to keep him there safely until he shall be delivered by due course of law. Herein fail you not. Given under my hand and seal the* day of , *in the year of our Lord*

(2). Indictment for a like offence.

——— (venue)—*The jurors for our lady the Queen, upon their oath that C. D., late of the parish of* , *in the county of* , *on the* day of , *in the* year of the reign of our lady the Queen Victoria, with force and arms, at the parish aforesaid, in the county aforesaid, knowingly, wilfully, and feloniously, did send [or "deliver"] a letter [or "writing"] without any name or signature, [or "with a fictitious name or signature, to wit, the name or signature of L. P.," or "the name or signature of"] , directed to one A. B., thereby and there threatening to kill and murder the said A. B. [or "to burn a certain house of the said A. B.," or "houses, outhouses, barns, stacks, or grain, hay or straw," according to the fact], and which said letter was and is as follows: that is to say, "Sir," &c. [here set out the contents of the letter]; against the form of the statute in such case made and provided, and against the peace of our said lady the Queen, her crown and dignity, and other counts, as the case may suggest, and one for a delivery of the said letter, there be evidence to support it.]

(3). Commitment on 7 & 8 Geo. IV. c. 29, s. 6, for demanding money, &c., with menaces, with intent to steal it.

Commencement as usual, as *supra*—on the day of , at the parish of , in the said county, did with menaces [or "force"] feloniously demand of and from A. B. the money [or according to the fact, "a certain chattel, to wit, " , or, "a certain valuable security"] , of him, the said A. B., with intent the said money [or "valuable security"] from the said A. B. then and there feloniously to take, and carry away; against the form of the statute in that behalf made and provided. And you, the said keeper, &c. [as *supra*, to the end].

(4). Indictment for a like offence.

——— (venue)—*The jurors for our lady the Queen upon their oath that C. D., late of the parish of* , *in the county of* , *labourer, on the* day of , *in the* year of the reign of our lady the now Queen Victoria, at the parish aforesaid, in the county aforesaid, with menaces [or "force"] did maliciously and feloniously demand of and from one A. B. the money [or "a certain chattel, to wit, " , or "a certain valuable security, to wit, "], with a felonious intent the said money, [or "valuable security"] of the said A. B. then and there feloniously to take, and carry away; against the form of the statute in that behalf made and provided, and against the peace of our said lady the Queen, her crown and dignity, and other counts, as the case may suggest, and one for a delivery of the said money, there be evidence to support it.]

ty of the said A. B., with menaces, and without any reasonable or use; and which said letter was and is as follows: that is to say [set *ex verbatim*]; against the form of the statute in such case made and against the peace of our said lady the Queen, her crown and dignity and other counts, as the case may suggest.]

ment as usual, as ante, p. 254.]—on the day of , (8). Commitment
at the parish of , in the said county, feloniously did threaten on like act for
accuse ["accuse, or threaten to accuse"] him, the said A. B., of having threatening to
and endeavoured to commit the abominable crime of buggery upon accuse a man of a
with a view to extort and gain money ["chattel, money, or valuable crime, &c., with
from the said A. B.; against the form of the statute in that case intent to extort
provided. And you, the said keeper, &c. [as usual, to the end]. money, &c.

ment)—The jurors for our lady the Queen upon their oath present, that (9). Indictment
of the parish of , in the county of , labourer, on the for a like offence.
in the year of the reign of our lady the now Queen Victoria,
and arms, at the parish aforesaid, in the county aforesaid, maliciously
ly did accuse [or "threaten to accuse"] one A. B., of having at-
and endeavoured to commit the abominable crime of sodomy with the
[any crime punishable by law with death, transportation, or pillory,
most crime, or of any assault with intent to commit, &c.], with a view
thereby then and there feloniously to extort and gain money ["chattel,
valuable security"] from the said A. B.; against the form of the
such case made and provided, and against the peace of our said lady
, her crown and dignity.

3. *Forms.*

Commencement as usual, as *ante*, p. 254.]—on the
 A. D. , at the parish of , in the said county, know
 (10). Commitment on like act for sending a letter, threatening to accuse a man of a crime, with intent to extort money, &c. niously did send [or “deliver”] to A. B. a certain letter [threatening to accuse [or “accusing”] him, the said A. B., tempted and endeavoured to commit the abominable crime of buggery with a view and intent thereby to extort and gain money [“ch valuable security”] from the said A. B.; against the form of the case made and provided. And you, the said keeper, &c. [as usual]

(11). Indictment for a like offence.

—(venue)—The jurors for our lady the Queen upon their oath C. D., late of the parish of , in the county of , last day of , in the year of the reign of our lady the now at the parish aforesaid, in the county aforesaid, with force and and feloniously did send [or “deliver”] to one A. B. a certain “writing”, accusing [or “threatening to accuse”] the said A. crime, to wit, the crime of having [“attempted and endeavour abominable crime of sodomy with the said C. D.”] [“any crime law with death, transportation, or pillory, or of any assault with any rape, or any attempt or endeavour to commit any rape, or crime,” as mentioned in sect. 9 of the 7 & 8 Geo. IV. c. 29], intent thereby then and there feloniously to extort and gain from money [or “a certain chattel, to wit, ,” or “a certain to wit, ”], and which said letter [or “writing”] was [here set out the letter verbatim]; against the form of the statute made and provided, and against the peace of our said lady the and dignity. [Add other counts, as the case may suggest.]

Threshing Machines, Injuries to. See “Malicious Property,” Vol. V.

Tiles. See “Bricks,” Vol. I.

Time (a).

Statement of. AS to the statement, &c. of, in an indictment, see “Instructions,” Vol. III. p. 1; in a conviction, see “Conviction,” Vol. I.; as “Evidence,” Vol. II.

New style. As to the establishing of the new style, by the 24 see “Almanack.”

Of what times the law takes notice. The law takes notice of the commencement and course all times which depend upon the calendar. (*Com. Dig. Temp.* notice of moveable and immoveable feasts (*id.* B. 2), *ante* Vol. I.

By stat. 24 Geo. II. c. 23, the calendar is corrected, and established. The year 1752 was enacted thereby to begin January, 1752, and the day after the 2d of September, 1752, accounted the 14th of September; and see 25 Geo. II. “Almanack,” Vol. I.

Time of memory. Time of memory has been long ago ascertained by the law from the beginning of the reign of Rich. I., viz. 6th of J

(a) See, as to time in general, 2 Bla. Com. 140, by *Ch Temps; Vin. Ab. Time.*

ra; there are six hours, within a few minutes, over in
every fourth year, makes another day, viz. three hun-
dred and being the 29th of February, constitute the bissex-
(*Co. Lit.* 135; 2 *Roll.* 521, l. 35; *Com. Dig. Ann. (A.)*;
s. 2; 2 *Bla. Com.* 140, notes by Chitty.)

It speaks of a year, it shall be computed by the whole
according to the calendar, and not by a lunar month.
Wrought v. Catesby, *Cro. Jac.* 166.) But if a statute direct
be within twelve months, it is too late to proceed after
twelve lunar months. (*R. v. Peckham*, *Cart.* 407.)

It in the singular number includes all the year, but
shall be computed according to twenty-eight days for
Rep. 62. And see *Crooke v. M'Tavish*, 1 *Bing.* 307;
3.)

Il. c. 84, which prohibits, under a penalty, a spiritual
person from holding his benefice for more than a certain
year, means year from the time when the action is
brought. (2 *M. & Sel.* 534.)

The word "year" may sometimes be construed in a different sense
than it bears according to its ordinary import. In *Dugdale's*
p. 2, it is said that the year is either astronomical, eccle-
siastical, beginning on the 1st of January, or 25th of March,
the king's accession; and see *Bract.* 359. And the word
is sometimes used to denote different periods of time—as in a
mayor's year sometimes construed to mean a "mayor's year" or
and not a calendar year. (See *Rex v. Swyer*, 10 *B. &*

From Whitsuntide to Whitsuntide has been held to be a
year, though for 339 days only. (*R. v. Newstead*, *Burr. S. C.*
n. *R. v. Standon Massey*, 6 *Coke*, 62.)

A year consists of one hundred and eighty-two days, for there
is a leap day added to a part or a fraction of a day. (*Co. Lit.* 135 b.;
Wrought v. Catesby, *Cro. Jac.* 166.) The time to collate
a benefice shall be reckoned half a year, or one hundred and
eighty-two days, and not lunar months. (*Bishop of Peterborough v. Catesby*,
Rep. 61; 2 *Bla. Com.* 140, notes by Chitty.)

A year consists but of ninety-one days, for the law does
not count the leap day. Quarter of a year.

Time.	<i>rop v. Green</i> , 198; <i>Howard v. Wemsley</i> , 6 <i>Rep.</i> 53; <i>Schw. N. P. title ment</i> ; <i>Adams on Eject.</i> 123; 2 <i>Bla. Com.</i> 149, notes by Chitty.)
Month.	<p>A <i>month</i> is <i>solar</i>, or computed, according to the calendar, which is thirty or thirty-one days; or <i>lunar</i>, which consists of twenty-eight (Co. Lit. 135, b.)</p> <p>In temporal matters, it is usually construed to mean lunar: in ecclesiastical, solar or calendar. (<i>Talbot v. Linfield</i>, 1 <i>Bla. R.</i> 450; 3 <i>Burr. S. C.</i>; <i>Lang v. Gale</i>, 1 <i>M. & Sel.</i> 111; <i>Crooke v. M'Tavish</i>, 1 <i>Bing. R.</i> 307; 8 <i>Moore</i>, 265.)</p> <p>In general, when a <i>statute</i> speaks of a month without adding "calendar," or other words showing a contrary intention, it shall be intended a <i>lunar</i> month of twenty-eight days; (see <i>Com. Dig. Ann. (B.)</i>; <i>Am Hooper</i>, 6 <i>T. R.</i> 224; <i>Glassington v. Rawlins</i>, 3 <i>East</i>, 407; <i>Crooke v. M'Tavish</i>, 1 <i>Bing. R.</i> 307; 8 <i>Moore</i>, 265;) and, generally, in all temporal, the term month is understood to mean <i>lunar</i>, but in ecclesiastical, as non-residence, it is deemed a calendar month; but in each of these matters, a different mode of computation prevails, therefore, is taken in that sense which is conformable to the matter to which it is applied; (2 <i>Roll. Ab.</i> 521, 51; <i>Talbot v. Linfield</i>, 1 <i>Bla. R.</i> 450; 3 <i>Burr.</i> 1455, <i>S. C.</i>; <i>Lang v. Gale</i>, 1 <i>M. & Sel.</i> 111; <i>Crooke v. M'Tavish</i>, 1 <i>Bing. R.</i> 307; 8 <i>Moore</i>, 265; <i>Com. Dig. Ann. (B.)</i>); therefore, when a deed states <i>calendar</i> months, and, in pleading, the word <i>calendar</i> be omitted, it is not necessarily a variance, (<i>Cockell v. Gray</i>, 3 <i>B. & B.</i> 187; 6 <i>Moore</i>, 483, <i>S. C.</i>; 2 <i>Bla. Com.</i> 140, notes by Chitty.)</p> <p>When a <i>deed</i> speaks of a month, it shall be intended a <i>lunar</i> month, unless it can be collected from the context that it was intended to be <i>calendar</i> (<i>Lang v. Gale</i>, 1 <i>M. & Sel.</i> 111; <i>Com. Dig. Ann. (B.)</i>; <i>Bishop of Exeter v. Catesby</i>, <i>Cro. Jac.</i> 167; <i>Barksdale v. Morgan</i>, 4 <i>Mod.</i> 185; <i>See Hawkins</i>, 1 <i>Stra.</i> 446; <i>Reg. v. Inhabitants of Chawton</i>, 10 <i>Law, J.</i> 55; 2 <i>B. H. T.</i> 1841,) unless it be proved that the general understanding in that department of trade is, that bargains of that nature are as to <i>calendar</i> months. (<i>Titus v. Lady Preston</i>, 1 <i>Stra.</i> 652; <i>Lang v. Gale</i>, 1 <i>M. & Sel.</i> 111.) And the <i>custom of trade</i>, as in case of bills of exchange and promissory notes, has established that a month named in the contract shall be deemed <i>calendar</i>. (<i>Cockell v. Gray</i>, 3 <i>B. & B.</i> 187; 6 <i>Moore</i>, 483, <i>S. C.</i>)</p> <p>Where parties contract that the purchase of lands shall be completed within so many months, <i>calendar</i> and not <i>lunar</i> months are intended. (<i>Hipwell v. Knight</i>, 1 <i>Y. & Col.</i> 401.)</p> <p>In all <i>legal proceedings</i>, as in commitments, pleadings, &c., a <i>month</i> means four weeks. (<i>Tullet v. Linfield</i>, 3 <i>Burr.</i> 1455; 1 <i>Bla. R.</i> 450; <i>R. v. Adderley</i>, <i>Dougl.</i> 463, 464.) And when a statute requires that an officer of customs to be brought within three months, it shall mean <i>lunar</i>, though the same act requires a <i>calendar</i> month's notice of action. (<i>Crooke v. M'Tavish</i>, 1 <i>Bing. R.</i> 307; 8 <i>Moore</i>, 265.)</p> <p>By the 5 & 6 Vict. c. 97, s. 4, reciting that "it is expedient that the law should be uniform with respect to notice of action in cases where such notice of action is required;" it is enacted, "that from and after the passing of this act, [10 August, 1842,] in all cases where notice of action is required, such notice shall be given one <i>calendar</i> month at least before any action shall be commenced; and such notice shall be sufficient, any act or acts to the contrary thereto notwithstanding."</p>
A day.	<p>A <i>day</i> is <i>natural</i>, which consists of twenty-four hours; or <i>legal</i>, which contains the time from the rising of the sun to the setting of the sun. (Co. Lit. 135, a.)</p> <p>A day is usually intended of a <i>natural</i> day: as, in an indictment for burglary, we say in the night of the same day. (Co. Lit. 135, a. 318.)</p>

id the notice was given on the Monday following, and the s Bench, acting upon the rule laid down by Sir *William* held that the day of the happening of the event, from rotation of time was to run, was to be excluded.

reasonable rule was there laid down by Lord *Tenterden*, a good test to apply to most cases, viz., by reducing the , in which case the party would clearly be entitled to the xt day after the injury was done, otherwise he might have i which to give notice. Approved of in *Webb v. Fairman*,

a case in equity, the Master of the Rolls, after considering risions, said, upon the first part of this rule, that whatever be that, when a thing is to be done after the doing of an its happening must be included, it is clear the actual de- e brought under any such general rule; and he inclined he first day in all cases, and ruled, that where a security within six months after a testator's death, the day of the , excluded. (15 *Ves.* 248.)

Geo. IV. c. 39, s. 1, which requires that every warrant of less judgment shall be filed within twenty-one days after , warrant executed on the ninth day of the month may be th. (*Williams v. Burgess*, 9 *Dowl. P. C.* 544; 4 *P. & D.*

; the time of credit on a mercantile contract, the day on ract was made is to be excluded from the reckoning. *aner*, 6 *Dowl. P. C.* 549; 3 *Mee & W.* 473.) Thus, if a goods, to be paid for in two calendar months, the credit

written agreement for the hire of a vessel, to be made on board "forthwith," evidence is admissible to show that that the vessel should be ready in two days. (*Simpson & Malk.* 300.)

in (9 C. & P. 700), it was held by *Denman*, C. J., that "forthwith" to put premises into complete repair, must reconstruction, and is not to be limited to any specific time, but that it was a question for a jury, in an action for damages upon the evidence, whether the defendant had done what he ought to have done in performance of it.

if it is expressly mentioned for the performance of an act, that it shall take place within a reasonable time. (See *Reasonable time.*

3 Comp. 426; *Ellis v. Thompson*, 3 M. & W. 456.)

reasonable time the justices are to determine. (Compare *Startup v. Macdonald*, C. P. H. T. 1841, (10 Law Rep. 272), where it was considered that a question of reasonable time for the contract with reference to the usage of trade and hours was one of fact and not of law. The case, however, is in the Exchequer Chamber, on a writ of error.

held in the case of a demise by parol, (and it seems in *Old and new style, construction of.* under seal, *Doe v. Hopkinson*, 3 D. & Ry. 507,) and in *holding from feast to feast*, as from Michaelmas to Michaelmas, *facie* be a holding from such feast according to the new custom of the country where the lands lie (which custom is proved by parol testimony) such tenancies commence accordingly. (*Furley v. Mayor of Canterbury* v. *Wood*, 1 Esp. 198, 101; 112; *Adams Ej.* 2nd edit. 129; 3rd edit. 145; and see 19; and 11 East, 313.) And in cases of parol taking at

Time.

Martinmas, &c., generally parol evidence is receivable without custom to show whether the day of taking was intended or related according to the new or old style. (*Id.*; *Smith v. Bingham*, 238; 11 *M. & Scott*, 380.) If, however, the demise is to hold from any particular feast, as 'from the feast of St. Michael &c.' the holding must be taken to be according to the new style, notwithstanding the custom and this rule prevails, although the holding was created by a holding over after the expiration of the lease, if the original entry was according to the old style. (*Doe d. Smith v. East*, 312; *Smith v. Walton*, *supra*. See *Doe v. Hopkinson*, 508, 509, and 11 *East*, 313, *per Cur.*)

Tin. See "*Pewter*," Vol. V. "*Malicious Injuries to Persons*," Vol. V. As to the Duties of Customs payable on Goods, see "*Excise & Customs*," Vol. II.

Tithes.

Commutation of.

IN the last edition of this work, one of the sections under the title of Tithes was devoted to the law relative to the Commutation of Tithes. The law, however, has no immediate concern with justices of the peace, and with parish officers; and considering that the many resolutions and decisions on it would swell out this title to a great length, and that questions on the subject will soon rarely arise, it is thought proper to omit it, while noticing it in the present edition.

I. *Summary Remedy for, when due from any Person*

[7 & 8 Will. III. c. 6; 27 Geo. II. c. 10; 53 Geo. III. c. 127 c. 15; 7 & 8 Geo. IV. c. 17; 5 & 6 Will. IV. c. 74; 4 & 5 Vict. c. 13.]

II. *Summary Remedy for, and other Church Rates and Assessments, due from Quakers only*, 270.

[7 & 8 Will. III. c. 34; 1 Geo. I. st. 2, c. 6; 27 Geo. II. c. 20; c. 127; 5 & 6 Will. IV. c. 74.]

III. *Of Contempts for Tithes in the Spiritual Court*, 271.

[27 Hen. VIII. c. 20; 32 Hen. VIII. c. 7.]

IV. *Forms*, 272.I. *Summary Remedy for Tithes Due from any Person*

Preliminary observations on the statutes as to.

The books in general confound the 7 & 8 Will. III. c. 6 with the 13 & 14 Will. III. c. 4, as relating to small tithes only, due from any person whatsoever (whether lay or ecclesiastical, and whether the tithes be great or small, being no way material), with the 7 & 8 Will. III. c. 34 (a), which relates to great tithes, and to the redemption of tithes.

(a) The 7 & 8 Will. III. c. 6, was passed to continue seven years, and by the 13 & 14 Will. III. c. 4, was continued for eleven years more, and made perpetual by 3 Anne, c. 1. These acts only to which stat. 2, c. 6, referred.

whatever, whether great or small, where the value does not

provisions are extended by the 5 & 6 Will. IV. c. 74, and c. 36, *post*, p. 269.

[V. c. 15, *post*, 267, enacts, that in places where justices are church, the tithes are to be recovered before justices of any city.

If these statutes, if any person subtract or fail in the payment for twenty days after demand thereof, the parson, vicar, or other whom they are due, may make his complaint in writing to the justice of the peace, who shall summon the persons against whom complaint is made, before two justices of the peace, neither of whom shall be patron of the benefice to which the tithes belong, who are to hear and determine all such complaints touching tithes, compositions subtracted or withheld, where the value does not exceed 100*l.*; and, since the 5 & 6 Will. IV. c. 74, and 4 & 5 Vict. c. 36, the way of recovering them, except where the title to the tithe, the liability or exemption of the property alleged to be subject to the tithe, is in question. The tithes must have become due, &c. before the complaint laid. The enactments do not extend to tithes in the city of London, or the liberties thereof, or to any city or town corporate, where the same are settled by custom.

It is clear that the statute of William the Third was intended to apply to those cases in which the tithes were actually due, and to any dispute upon matters of law, either with regard to the right of paying them, or the manner of receiving them. We cannot but see the principle of the act. The object of it was to give to the owner of tithes an expeditious mode of recovering them; and it must be that a cheap and expeditious remedy in such cases must be available to the tithe-owner than to him who is to pay. Every action of tithes, whether in a court of common law, or a court of ecclesiastical cognizance, must in its nature be very expensive and equally burdensome to him who claims and him who is to pay. It cannot doubt that it was to remedy this evil this act was

**1. Summary
Remedy for,
when due from
any Person.**

7 & 8 Will. III.
c. 6.

Who may sum-
mon the persons
complained of,
and on default of
appearance de-
termine com-
plaint, &c.

On refusal to pay
in ten days after
notice, consta-
bles, &c. may
distrain.

Justices to ad-
minister an oath.

ments for the same, with all offerings, oblations, and several rectors, vicars, and other persons to whom they are due in their several parishes within this kingdom of England, Wales, and town of Berwick-upon-Tweed, according to the customs, and prescriptions commonly used within the said parishes; and if any person or persons shall hereafter subvert or in any ways fail in the true payment of such small tithes, obventions, or compositions as aforesaid, by the space of ten days at most after demand thereof, then it shall and lawfully may be to the person or persons to whom the same shall be due, to make complaint in writing [see Form (No. 1), *post*] unto the next justice of the peace within that county, town corporate, place, or division, where the same shall be due, or either of which justices of peace is to be patron of the church whence the said tithes do or shall arise, nor any ways tithes, offerings, oblations, obventions, or compositions.

An order for non-payment of small tithes was quashed, said only upon complaint generally, and the statute required the complaint to be in writing. (*R. v. Furness*, 1 Str. 264.) Notice, however, is requisite, and so long as it substantially states the matter of the complaint, to give the justices jurisdiction.

Sect. 2. "That if hereafter any suit or complaint shall be made before two or more justices of the peace as aforesaid, concerning the payment of offerings, oblations, obventions, or compositions as aforesaid, the justices are hereby authorized and required to summon the parties to their hands and seals, by reasonable warning, every such person against whom any complaint shall be made as aforesaid, to appear or their appearance, or upon default of their appearance to the justices, or summons being proved before them upon oath, that the said complaint is true, the justices shall proceed to hear and determine the said complaint, and upon the proofs, evidences, and testimonies before them, shall, in writing under their hands and seals, give such reasonable allowance and compensation for offerings, oblations, and compositions so subtracted or withheld as shall seem to be just and reasonable, and also such costs and charges as shall be adjudged to be just, not exceeding 10s., as upon the merits of the cause shall appear just."

Sect. 3. "That if any person or persons shall refuse to pay the said money, or to satisfy the said sum, within the space of ten days after notice given, to pay or satisfy the same, the justices of the peace be adjudged as aforesaid, in every parish, to issue a warrant under the hands and seals of the said justices, to the constables and churchwardens of the said parish, or one of them, to distrain the goods and chattels of the party so refusing to pay the said money; and after detaining them, by the space of ten days, or until the said sum so adjudged to be paid, together with reasonable charges for making and detaining the said distress, be not tendered, the said party in the mean time, shall and may make public sale of the said goods and chattels, and pay to the party complaining so much of the money as may satisfy the said sum so adjudged, retaining the said party in possession of the said goods and chattels, until the said reasonable charges for making and keeping the said distress shall think fit, and shall render the overplus (if any) to the party complaining."

Sect. 4. "That it shall and may be lawful for all justices of the peace, upon the examination of all matters offered to them by this act, to administer an oath or oaths to any witness or witnesses, where it shall be necessary for their information, and for the better disco-

(a) By 53 Geo. III. c. 127, s. 4, it is provided that the living, the tithes may be to one justice. before justices of the peace.

(b) By the 7 Geo. IV. c. 15, (*post*, 267), where the justices are patrons of the church, &c.

"title" is to be taken in a strict sense, as applying
 in which the question is to whom the tithes are due,
 is to a question of prescription, *modus*, custom, or
 which does not negative the *prima facie* title, but only
 bar to the demand of tithes. From what fell from
v. Jefferys, infra, it should seem the word "title"
 in its strict sense. (*Sed vide R. v. Furness*, 11 Mod.
 ; 1 Stra. 264; 1 E. & Y. 750.) Before a *certiorari*
 shown that the title was really in question. (*R. v.*
 35; 2 E. & Y. 153; see *ante*, "Conviction," Vol. I.]
 where any person or persons complained of for sub-
 ing any small tithes, or other duties aforesaid, shall,
 f the peace to whom such complaint is made, insist
 on, composition, or *modus decimandi*, agreement or
 she is or ought to be freed from payment of the said
 in question, and deliver the same in writing to the
 peace, subscribed by him or her, and shall then give
 ning reasonable and sufficient security, to the satis-
 justices, to pay all such costs and damages, as upon a
 ad for that purpose, in any of his majesty's courts
 of that matter, shall be given against him, her, or
 aid prescription, composition, or *modus decimandi*,
 aid trial be allowed; that in that case the said justices
 rbear to give any judgment in the matter; and that
 ee the person or persons so complaining shall and
 prosecute such person or persons for their said sub-
 court or courts whatsoever, where he, she, or they
 fore the making of this act; anything in this act to
 standing."

Persons com-
 plained of, insist-
 ing on any com-
 position, &c., and
 giving security to
 pay costs, justices
 not to give judg-
 ment.

**1. Summary
Remedy for,
when due from
any Person.**

Questions of
modus.

[The sessions, on an appeal, may reject evidence of not offered to the two justices who made the order. the power of justices to try questions of tithe under t c. 6, is taken away by the eighth section of that act, *modus* is raised. (*R. v. Jeffreys*, 1 B. & C. 604; 2 & Y. 1098, S. C.) Two justices, by an order dated 1 vember, 1821, ordered *Jeffreys* to pay to the lessee of rish of Glemsford, in the county of Suffolk, the sum o milk and calves, arising in the parish of Glemsford, ar together with his costs and charges. *Jeffreys* was answer the complaint of the lessee, and appeared befo offered no evidence of a *modus*. The sessions, on ap order, subject to the opinion of the court upon the fo respondent having proved the notice, summons, and as lessee, and that the value of the tithe was of the am appellant claimed to be exempted from the payment o that it was covered by a *modus*, and he tendered ev existence of such a *modus*. The court rejected the opinion that they had no power to try the question. argument, said, "As at present advised, I am dispos *modus*, in this statute, something different from title the word *modus* is not to be found in the seventh sec to the *certiorari*, I think that the writ ought not to also disposed to think, that the eighth section is co party relying upon a *modus* shall set it up in the rected. The act was intended to apply where there law as to the right to the tithe; that in such cases the have a cheap remedy, which could not be injurious whom the tithe is due. If the eighth section be not co sequence will follow, that the party called upon to and pleasure, leave the question of *modus* to be tried may withdraw it from their consideration; whereas have no such option. This, however, is a point of and I should have wished for more time to consider proceeded upon that ground. But upon the other I doubt. If it was originally the intention of the party he should have stated that before the two justices. I tithes, the party would come prepared to show the oc the party refusing to pay, and that titheable matter question of *modus* is something quite distinct from t claiming would come prepared to prove. If, therefore set up in the first instance, the justices at sessions m discretion as to receiving or rejecting evidence of it. otherwise be taken by surprise, and the defendant w unfair advantage." Order of sessions affirmed.]

A bare assertion
of claim of *modus*
not sufficient.

[A bare assertion by the defendant of the existen tion, composition, or *modus*, &c., will not, it seems, st justices from giving judgment: the defendant must that there is a *bonâ fide* ground for setting up the pres *R. v. Wrottesley*, 1 B. & Adol. 648; *R. v. Chapelward M. & Sel.* 248).]

Judgment to be
enrolled at next
sessions by clerk
of peace, &c.

Sect. 9. "That every person and persons, who sha act obtain any judgment, or against whom any jud tained, before any justices of the peace out of session oblations, obventions, or compositions, shall cause judgment to be enrolled at the next general quarter se for the said county, city, riding, or division; and the for the said county, city, riding, or division, is here tender thereof, to enrol the same; and that he shall for the enrolment of any one judgment any fee or rev and that the judgment so enrolled, and satisfaction r

for which he or they have so sued."

c. 127, s. 4 (a), after reciting the 7 & 8 Will. III. c. 53 Geo. III. c. 127. small tithes, to the value of 40s., and that it was ex-
such amount, and to extend the said amount to all
certain limited amount, enacts, "That such justices
om and after the passing of this act, be authorized
and determine all complaints touching tithes, obla-
tions, subtracted or withheld, where the same shall
ount from any one person, in all such cases, and by
subject to all such provisions and remedies, by appeal
ained in the said act of king William, touching small
compositions not exceeding 40s.: provided always
m and after the passing of this act, one justice of the
etent to receive the original complaint, and to sum-
ppear before two or more justices of the peace, as in
th."

Justices may de-
termine com-
plaints respecting
tithes not exceed-
ing 10l.

15, intituled "*An Act to amend an Act passed in the 7 Geo. IV. c. 15.*
ear of the Reign of King William the Third, for the more
H Tithes," reciting the 6 & 7 Will. III. c. 6, s. 1, and
27, s. 4, and that it is expedient, in certain cases, to
it part of the said recited act of king William the
to the jurisdiction before which the said tithes shall
"That from and after the passing of this act, it shall
all cities, towns corporate, or other towns or places in
Berwick-upon-Tweed, where the justices of the peace
In places where
justices are pa-
trons of church,
tithes to be re-
covered before

r provisions of this act, title "*Church*," Vol. I.

**1. Summary
Remedy for,
when due from
any Person.**

7 Geo. IV. c. 15.

Justices of ad-
joining county.

How far recited
act repealed.

Costs of dis-
tresses.

5 & 6 Will. IV.
c. 74.

7 & 8 Will. III.
c. 6.

53 Geo. III. c. 127.

7 & 8 Will. III.
c. 34.

1 Geo. I. c. 6.

Proceedings for
recovery of tithes
under 10*l.* shall
be had only un-
der powers of
two first-recited
acts.

And of tithes
amounting to
50*l.* due from
Quakers under
the other acts.

in and for the same are patrons of the said church or churches, or if tithes or offerings do or shall arise, for two justices of the peace for any adjoining county, riding, or division, to hear and determine all complaints for withholding the said tithes and offerings in any amount of 10*l.*; such complaint to be made in writing by the owner or vicar, or other person, his attorney, or agent."

Sect. 2. "That nothing in this act shall be construed to repeal any of the clauses or provisions of the said recited acts, save and except as to such parts thereof as are expressly amended by the same."

By the 7 & 8 Geo. IV. c. 17, the provisions of the 53 Geo. III. c. 127, relative to the costs of small distresses, are extended to tithes. See "*Church*," Vol. I.

By 5 & 6 Will. IV. c. 74, intituled "*An Act for the more easy Recovery of Tithes*," (9th September, 1835,) after reciting, "Whereas an act passed in the seventh and eighth years of the reign of king George the Third, intituled *An Act for the more easy Recovery of Small Tithes*, it was amongst other things enacted, that two or more justices of the peace were authorized and required to hear and determine all complaints touching small tithes, oblations, and compositions withheld, not exceeding forty shillings: and whereas in the fifty-third year of the reign of his late majesty king George the Third, intituled *An Act for the better Regulation of Ecclesiastical Law in England, and for the more easy Recovery of Church Rates and Rates*, the jurisdiction of the said justices was extended to all tithes and compositions subtracted or withheld, where the amount did not exceed ten pounds in amount from any one person: and whereas by an act of the seventh and eighth years of the reign of king George the Third, chapter thirty-four, provision is made for the recovery of small tithes (not exceeding the amount of ten pounds) by distress and sale, under the warrant of two justices of the peace, and whereas by an act of the first year of the reign of king George the Third, chapter six, the provisions of the said last-mentioned act were made applicable to all tithes or rates, and customary dues and payments belonging to any church or chapel: and whereas by the said recited act of the fifty-third year of the reign of his late majesty king George the Third the aforesaid provisions in relation to Quakers were also made applicable to any amount not exceeding five pounds: and by an act of the parliament of Ireland of the seventh year of king George the Third, chapter twenty one, amended by an act of parliament of the united kingdom of the fifth year of king George the Third, chapter sixty-eight, the provisions are in force in Ireland for the recovery, from Quakers, of small tithes, and customary and other rights, due belonging to any church or chapel, not exceeding the amount of ten pounds: and whereas it is highly expedient, and would further promote the recovery of such tithes, and would further litigation, if, in the cases and with the exceptions hereinbefore provided, all claimants were restricted to the respective remedies provided in the said recited acts;" it is enacted, "That from and after the date of the passing of this act, no suit or other proceeding shall be had or instituted in any court in England now having cognizance of such matters, for the recovery of any tithes, oblations, or compositions withheld, of or value of 10*l.* (save and except in the cases provided for in the said recited acts), but that all complaints touching the same shall be heard and determined only under the provisions contained in the said two first-recited acts, in the same manner as if the same were hereinbefore enacted; and that no suit or other proceeding shall be had in any of his majesty's courts either in England or Ireland, for or in respect of any great tithes, or of any tithes or offerings do or shall arise, for two justices of the peace for any adjoining county, riding, or division, to hear and determine all complaints for withholding the said tithes and offerings in any amount of 10*l.*; such complaint to be made in writing by the owner or vicar, or other person, his attorney, or agent."

the actual liability or exemption of the property to or from any obligation, composition, modus, due, or demand shall be bound, nor to any case in which any suit or other proceeding has been actually instituted before the passing of this act."

There can be no doubt that this enactment extends to compositions for tithes under the yearly value of 10*l.* and the Court of Queen's Bench has lately decided that it extends to the setting out of tithes of or under that amount, and that the action for treble value for not setting out, given by the 2 & 3 Edw. VI., is taken away. (*Peyton v. Watson*, 11 N. S., 271, Q. B.)]

Manner of recovering tithes due from Quakers.

"In case any suit or other proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of his Majesty's courts in England or Ireland, for recovering any great or small tithes, or composition for tithes, rate, or other ecclesiastical debt, due, or unpaid, or withheld by or due from any Quaker, no decree or order shall issue or be made against the person or persons defendant or defendants, but the plaintiff or plaintiffs shall have his execution or decree against the goods or other property of the defendant or defendants; and in case any person now is detained in England or Ireland under any execution or decree in such proceeding, the sheriff or other officer having such person in his custody shall forthwith discharge him therefrom; and the plaintiff or plaintiffs in such suit or proceeding shall and may, notwithstanding such decree or order, have any other execution or take any other proceeding for the recovery of the same demand and his costs out of the property, real or personal, of the defendant or defendants so discharged."

Section 4 & 5 Vict. c. 36, intituled "An Act to amend an Act of the 4th Year of King William the Fourth, 'for the more easy recovery of Tithes;' and to take away the Jurisdiction from the Ecclesiastical Courts in all Matters relating to Tithes of a certain Amount," contains the following provisions: "That 'it is expedient to extend all the provisions of the 5 & 6 Geo. IV. c. 74, to all suits in the ecclesiastical courts hereafter to be brought for the recovery of any tithes, oblations, or compositions of yearly value of ten pounds, and of any great or small tithes, oblations, rates, or other ecclesiastical dues or demands of or under the value of 50*l.*, withheld by any Quaker;' and that from and after the passing of this act all the enactments

Enactments and

**I. Summary
Remedy for,
when due from
Quakers.**

7 & 8 Will. III.
c. 34.

Complaint.

Summons.

Hearing.

Adjudication and
costs.

Distress and sale.

**II. Summary Remedy for Tithes and Church-Rate
Payments Due from Quakers only.**

The 7 & 8 Will. III. c. 34, s. 4, enacts, that where any Quaker to pay or compound for any tithes, or to pay any church-rates 1 Geo. I. st. 2, c. 6, s. 2, for any customary or other rights, dues, or payments belonging to any church or chapel, which of right by custom ought to be paid for the stipend or maintenance of a vicar or curate officiating in any church or chapel], any parson, vicar, farmer, or proprietor of such tithes, or any churchwarden or overseer, or other person who ought to have, receive, or collect any rates, dues, or payments, may make complaint to any two justices of the peace, or one justice, as is patron of the church or chapel, or any way interested in the same.

Upon which complaint the said justices shall summon the defendant under their hands and seals, by reasonable warning, such Quaker to appear before them.

And after appearance, or on default of appearance (the summons being proved before them upon oath), they may proceed to examine on oath (or in such manner as by this act is provided) the complainant, and to ascertain and state what is due and payable.

And, by order under their hands and seals, they may direct the payment thereof; so as the sum ordered (as is aforesaid) shall not exceed 10*l.* [And by 53 Geo. III. c. 127, s. 6, 50*l.*] And they may award costs and charges as they shall think reasonable, not exceeding 5*l.* [Sect. 5.]

And, on refusal to pay, it shall be lawful for any one of the said justices, by warrant under his hand and seal, to levy the same by distress and sale of the goods of such offender, his executors or administrators, rendering the overplus, the necessary charges of distraining, less out first deducted and allowed by the said justice: unless in case of appeal, and then no warrant of distress shall be granted until the appeal shall be determined. [Sect. 6.]

Therefore, it seemeth best not to make out, at least not to execute the warrant of distress, until after the next sessions.

Note again: here is no time limited for detaining the goods, the charges allowed for the keeping of it; so that it may be sold at any time.

27 Geo. II. c. 20.

And by the 27 Geo. II. c. 20, s. 1, which, in all other cases gives the justices power, in their warrant of distress, to order the goods to be detained for a certain time, not less than four days, the *church-rates* of Quakers (although not those other dues and charges above mentioned) are excepted. See "*Distress under Justice*," Vol. II.

7 & 8 Will. III.
c. 6.

Also, it is observable here, that the 7 & 8 Will. III. c. 6, limits the power of the justices to the two *next* justices (not interested); and the statute of 1 Geo. I. st. 2, c. 6, enlarges the same to *any* two justices (not interested) to make complaint, summons, and order, but restrains the *distress* to the two *next* justices in the statute of the 7 & 8 Will.—that is, to one of the two *next* justices as aforesaid; which possibly may have been an oversight, or may happen hereupon that neither of the two justices which the statute directs to make the order can enforce the execution of it by distress. To prevent this inconvenience, it may be proper that *one* at least of the justices should be one of the two *next* justices (not interested). Now, by the 7 Geo. IV. c. 15, (*ante*, p. 267,) in places where justices are appointed as patrons of the church, the tithes may be recovered before any adjoining county.

7 Geo. IV. c. 15.

Appeal.

By 7 & 8 Will. III. c. 6, s. 7, any person aggrieved by the order of the two justices may appeal to the next sessions; where, if the order shall be affirmed, they shall decree the same by order of the court, and give costs against the appellant, to be levied by distress and sale of the goods of the appellant, to them shall seem reasonable.

ve acknowledged the jurisdiction of the justices by appeal-
 ssions; whereas, had they intended to dispute the title to
 ry payments, they would at first have removed the order of
 y *certiorari*. The only difficulty remaining arises from the
 ' filed. But there are several instances of this court super-
 orari after the return filed: as, where an order of justices is
 it appears, upon the return, that the parties had a right to
 sessions, and that the time for appealing was not expired
 iorari issued; in such case, this court supersedes the writ of
 a *improvide emanavit*. The same must be done in the pre-
 (R. v. Roger, Wakefield, and others, H. T., 31 Geo. II.)

of distresses, see the 7 & 8 Geo. IV. c. 17, Vol. I., tit. Costs of dis-
 tress.

& 6 Will. IV. c. 74, *ante*, 268, and 4 & 5 Vict. c. 36, *ante*, Jurisdiction of
 ceeding for the recovery of tithes to the amount of 50*l.* due superior courts
 is the only mode that can be adopted. taken away.



: Contempts for Tithes in the Spiritual Court.

Hen. VIII. c. 20, s. 1, if the ecclesiastical judge shall, for Contempt of pro-
 t, contumacy, disobedience, or other misdemeanour of any cess.
 the case of tithes, make information and request to the jus-
 tice of the shire where the offender dwelleth, to assist him
 reform any such person, two of the said justices, (one being

4. *Forms.*

Contempt after
judgment.

of the quorum,) may cause the person to be attached, ar-
ward, till he shall have found sufficient surety, to be b
by recognizance or otherwise, to give obedience to the c
ceedings, decrees, and sentences of the ecclesiastical cou
shall be.

And by the 32 Hen. VIII. c. 7, s. 4, if any person, af-
nitive given against him in the ecclesiastical court, shall
wilfully refuse to pay his tithes, or duties, or sums of
for the same, two justices (one being of the quorum) ma-
tion, certificate, or complaint in writing, by the ecclesias-
the party refusing to be attached and committed to the
shall have found sufficient sureties, by recognizance or o
form the said definite sentence and judgment.

See the 53 Geo. III. c. 127, *ante*, tit. "Church," Vol.

The remedy against contumacious persons, under the
the 27 Hen. VIII. is not taken away by the 7 & 8 Will.
v. *Sanchee*, 1 *Ld. Raym.* 323.)

IV. *Forms.*

(1). Complaint for
tithes due from
any person, on
7 & 8 Will. III.
c. 6, ss. 1, 6; and
53 Geo. III. c.
127, s. 4.

To *J. P.*, *Esq.*, one [or, "*J. P. and K. P.*, *Esqs.*, two"]
justices of the peace in and for the county of
A. B., of , in the said county, clerk, complaineth, that
did, on the day of A.D. being upwards
fore the day of the date hereof, demand of *C. D.*, of
, in the county aforesaid, [farmer,] the tithes [or,
agreements for the tithes,"] [offerings, oblations, and obvent
justly become due, within two years now last past, from the sai
the said *A. B.*, to the value of ; and that the said *C*
said demand, refuse, and doth yet refuse, to pay, and hath
nor any part thereof. The said complainant, therefore, pray
the premises as to you shall seem meet, and as to the law doth
the day of , in the year of our Lord .

(2). Summons
thereon.

— } To the constable of , and others whom this
Whereas complaint in writing hath been made unto me, *J*
J. P. and K. P., two"] of her majesty's justices of the peace
county, by *A. B.*, of &c., in the said county, clerk, that *C.*
said county, [farmer,] hath, for above the space of [twent
time of the said complaint so made unto me [or, "us"], as
to pay unto the said *A. B.*, and hath not yet paid, the tithes [
and agreements for the tithes"], [offerings, oblations, and o
in the said parish of , justly due, within two years n
the said *C. D.* to the said *A. B.* to the value of . T
to command you forthwith, upon sight hereof, to summon
appear before me [or, "us"], and such other of her majest
peace for the said county as may be present, at
day of , at the hour of in the forenoon
to answer unto the said complaint. And be you then there t
shall have done in the premises. Given under my hand and se
and seals"], at , in the said county, the day of
of our Lord .

(3). Order thereon
for payment of
tithes, &c.

— } Whereas complaint in writing hath been made
K. P., *Esqs.*, two [or, "me, *J. P.*, *Esq.*, one"] of
tices of the peace in and for the said county, by *A. B.*, rector,
the case may be], of the parish of , in the said county, tha
the county aforesaid [farmer], is justly indebted unto him the
tor of the said parish as aforesaid, [or, vicar, &c. as the case m

*compositions for the tithes and oblations in the said parish ac-
the said C. D. to the said A. B., within two years last past, to
: [or, "hath subtracted and withdrawn certain tithes of
ue of , accruing unto him the said A. B., as rector of the
resaid, from the said C. D., within the last two years, to wit,
"], and which have not been sued for or begun to be sued for
Court of Exchequer, or in any Ecclesiastical Court, and that
th failed in payment of the same, although demand thereof hath
said A. B., of , from the said C. D. more than twenty
making of the said complaint, to wit, on , last past, and
ains due and unpaid: now we the said justices (being neither
he church of the said parish of , nor anywise interested
he said parish,) having summoned the said C. D. and the said
ing before us, [or, "the said C. D. not appearing now before us
e said summons, and the service of the said summons being now
upon oath"], and having examined the witnesses and proofs in
duly considered the same, do find that the said C. D. is truly
aid A. B., as rector of , in the sum of , for the
he tithes and oblations aforesaid, [or, "that the tithes aforesaid
racted and withheld as aforesaid, and that the sum of
onable allowance and compensation for the same"]
re adjudge and order the aforesaid C. D. forthwith to pay, or
unto the said A. B. the aforesaid sum of , and also the
264] for the costs and charges of the said A. B. in prosecuting
this behalf, and as upon the merits of the case appear to us
er our hands and seals, at in the said county, the day
ar of our Lord .*

*reas, on the day of , complaint in writing was made
P., one of her majesty's justices of the peace for the said county,
gentleman, lessee of the rector of the said parish of , that
s failed in the true payment of the composition and agreement
r [or, "did unduly subtract and detain," as the case may be],
agistment, milk"], and also [as the case may be], which became
within two years then last past, and before and on the
from the said C. D. to the said J. T., as lessee, as aforesaid,
om the said C. D. by the space of twenty days before the making
laint [when no composition had been made, add, and that the
t compounded or agreed or paid for the said tithes (as before),
of]; whereupon the said justice granted a summons in writing,
ul seal, setting forth the said complaint, and required the said
before such two justices of the peace for the said county as
led at &c., in the same county, on &c., at [ten] o'clock in the
er to the said complaint, [when the party appeared, add, "and
xing attended in pursuance of the said summons"]: Now we
. B. and C. D., respectively being justices of our said lady the
keep the peace in and for the said county, being so assembled
and being neither of us patron of the parish church of &c.,
y ways interested in the said tithes, dues, and oblations, having
e truth of the said complaint upon oath, and having heard
n his defence [or, where the party has not appeared, "and
t having appeared before us, in pursuance of the said summons,
ce thereof having been duly proved on oath before us"], do find
it there is justly due from the said C. D. to the said J. T., as
!, the sum of , as a reasonable compensation for the said
igistment, &c.," as the case may be], become due and payable
from the time of making the said complaint; that is to say, on
we do therefore adjudge and order the said C. D. to pay, or
unto the said J. T. the aforesaid sum of , and also the
costs and charges in making and presenting the said complaint.
hands and seals, at , in the said county, the day of
ar of our Lord .*

(4). The like, in another form, on the complaint of the lessee of the tithes.

4. Forms.

(5). Warrant of distress thereon.

To the constable of _____, in the said county, and to
 of the parish of _____, in the said county, and to
 all others whom this may concern.

Whereas, upon the complaint in writing of A. B., rector [or, "parish aforesaid, in the county aforesaid, C. D., of &c., in the farmer, hath been duly summoned to appear before us, J. P. and of her majesty's justices of the peace in and for the said county for the nonpayment of the tithes [or, "compositions and tithes"], offerings, oblations, and obventions, due from the said A. B., as rector of the said parish as aforesaid, within two years for the year _____, and which the said C. D. hath made default although demand thereof hath been made by the said A. B. of C. D. more than twenty days before the making of the same whereas the said C. D. appeared before us in obedience to the "did not appear before us in obedience to the said summons, as said summons having been duly proved to us on oath"], we, the neither of us patron of the parish church [or, "chapel"] of any way interested in any of the said tithes [compositions, offerings, oblations, or obventions, having duly examined the of the said complaint, have by writing under our hands and what follows correspond with the order] the said C. D. to A. B. the sum of _____, being the value of the said tithes agreements], offerings, oblations, and obventions, which has the said C. D. to the said A. B. within [two years] next by plaint so made unto us, as aforesaid, together with the sum of _____ and charges of the said A. B. in and about the prosecuting of this behalf: which said sums make in the whole the sum of _____ whereas it appeareth unto us, the said justices, that the said tithes of our said order for the space of ten days and upward the date hereof, but hath refused to pay, and hath not yet of _____, nor any part thereof: these are therefore to command severally, that you, or some one of you, do forthwith distress the chattels of the said C. D.; and, in case the said sum of _____ your reasonable charges of making and detaining the said distress or tendered to be paid, by the said C. D. in _____ days [see next after such distress made, that then you do make public goods and chattels so distrained, as aforesaid, and, out of the such sale, that you pay, or cause to be paid, unto the said of _____, and thereout also deduct and detain your reasonable keeping, and selling the said distress [see ante, 264]; and if remain after such payment and deduction, as aforesaid, that the same unto him, the said C. D., upon demand. Given under seals, at _____ in the said county, the _____ day of _____, Lord _____.

(6). Complaint for Quakers' tithes. on 7 & 8 Will. III. c. 34; 1 Geo. I. st. 2, c. 6; and 53 Geo. III. c. 127, (ante, 269).

To J. P., Esq., one [or, "J. P. and K. P., Esqs., two"] justices of the peace in and for the county of _____.

A. B., vicar [or, "rector"] of the parish church of _____ county, complaineth,

That C. D., of &c., in the county aforesaid, farmer, being called a Quaker, hath refused to pay unto the said A. B., of the tithes and other rights, dues, and payments belonging to aforesaid, and justly due to the said A. B. from the said C. D. plainant therefore prayeth such redress in the premises as to law and as to law doth appertain. Signed, the _____ day of _____, our Lord _____.

(7). Summons thereon.

To the constable of _____, in the said county, and _____ may concern.

Whereas A. B., clerk, vicar [or, "rector"] of the parish in the said county, hath complained unto me, J. P. Esq., one K. P., Esqs., two"] of her majesty's justices of the peace in and for the said county, that C. D., of &c., in the county aforesaid, farmer, commonly called a Quaker, hath refused to pay unto the said A. B. for the tithes and other rights, dues, and payments belongi

commonly called a Quaker, hath refused to pay to or to compound
B. for his tithes and other rights, dues, and payments belonging
f
aforesaid, and justly due unto the said A. B.: we, there-
ofices, being neither of us patron of the parish church of
any way interested in any of the said tithes, rights, dues, or
; having duly summoned the said C. D. before us, and having
and the truth of the said complaint upon oath, do find that there
the same from the said C. D. to the said A. B., the sum of
id appoint the aforesaid C. D. to pay or cause to be paid unto the
aforesaid sum of
; and we do also order and appoint the
to pay or cause to be paid unto him, the said A. B., the further
such costs and charges concerning the premises as upon the
case do appear to us just and reasonable, and which said sums
the sum of
. Given under our hands and seals, at
city, the
day of
, in the year of our Lord

the constable of
, and others whom this may concern.

in the complaint in writing of A. B., vicar [or, "rector"] of the
f
, in the said county, C. D., of
, in the county aforesaid,
person commonly called a Quaker, hath been duly summoned to
J. P. and K. P., Esqs., two of her majesty's justices of the peace
said county, to be examined for non-payment of his tithes and
dues, and payments belonging to the church of
aforesaid,
id C. D. unto the said A. B.: and whereas the said justices, upon
wraof, by writing under their hands and seals, have ordered the
my unto the said A. B. the sum of
, for such his tithes and
ues, and payments, as aforesaid, and moreover the sum of 10s. for
the said A. B. in recovering the same, which said sums make to-
of
; and whereas it appeareth unto me, J. P., Esq., being
justices, and also being one of the two next justices to the parish
aforesaid, in the county aforesaid, not being patron of the said
; way interested in any of the said tithes or other rights, dues, or
the said C. D. hath had due notice of the said order, but hath
lk refuse to pay, and hath not paid, the said sum of
, nor
f: these are, therefore, to authorize and command you, that you
my the aforesaid sum of
, by distress and sale of the goods

(9). Warrant of
distress thereon.

Tobacco.

[12 Car. II. c. 34; 22 & 23 Car. II. c. 26; 1 & 2 Will. I

FOR the laws of customs and excise concerning tobacco, and Customs," Vol. II.

Planting tobacco.

By the 12 Car. II. c. 34, s. 1, no person shall plant any to of forfeiting the same, or the value thereof, or 40s. for ever of ground planted with it; half to the king, and half to sue in any court of record.

Justices of the peace are to command all constables, &c., to make a return to them of what tobacco is planted and upon whose land.

And by the 22 & 23 Car. II. c. 26, s. 2, (which, by the 5 is continued along with the act of tonnage and poundage of c. 4,) it is enacted, that "all justices of the peace, within limits and jurisdictions, shall and do, a month before every sessions to be holden for their respective counties, issue for rants to all high constables, petty constables, and tithingmen several limits, thereby requiring the said high constables, pe and tithingmen, and every of them, to make diligent search tion, what tobacco is then sown, set, planted, growing, cu made, within their several and respective limits and jurisd whom; and to make a true and lawful presentment in writi at the next general quarter sessions to be holden for such names of all such persons as have sown, set, planted, cured tobacco, and what the full quantity of land is or was sown, therewith, and who are the immediate tenant or tenants, cupiers of the land so sown, set, or planted, who are and sl planters thereof to all intents and purposes."

Which presentment, being filed, shall be a sufficient conviction.

Sect. 3. "Which said presentment upon oath shall be rec by the clerk of the peace of the said county in open sessi such receipt and filing, shall be a sufficient conviction in law and purposes, of all such persons as shall be so presented f setting, planting, improving to grow, making, or curing tot seed, plant, leaf, or otherwise, contrary to the said recited of them, unless such person or persons so presented (havin to him or them of such presentment made, by the deliver such presentment to him or them, or by leaving a copy of ment at his or their dwelling-house or houses, or usual p in the presence of one or more credible witnesses, ten da before the next quarter sessions) shall, at the quarter sessi such notice shall be given to him or them, traverse such and find sufficient sureties for the prosecuting and trying at the quarter sessions to be holden for the said county n traverse shall be entered or made."

Except upon notice it shall be traversed.

Power given to all officers, &c., to pull up and destroy all the plants, &c.

Sect. 4. "All constables, tithingmen, bailiffs, and other shall and do, within their respective jurisdictions, from ti often as occasion shall require, within fourteen days after two or more of the justices of the peace within such coun or place, to them, calling to their assistance such person they and every one of them shall find convenient and ne up, burn, consume, tear in pieces, and utterly destroy all plant, leaf, planted, sowed, or growing in any field, earth, c

The penalty of officers not doing their duty in destroying of it.

Sect. 5. "If any such tobacco shall be suffered or perm or be consumed in seed, plant, or leaf, in any township, t hamlet, or place, by the space of fourteen days after the r warrant or warrants, by the said constables, tithingmen, b public officers of the respective townships, tithings, parish as aforesaid, that then such constables, tithingmen, bai public officers respectively, shall, for every such offence, f the sum of 5s. for every rod, perch, or pole of ground so s

with tobacco, and so proportionably for a greater or lesser quantity sold; the one moiety thereof to the king's majesty, and the other to him or them that shall sue for the same, to be recovered in debt, bill, plaint, or information, in any of his majesty's

23 & 24 Car. II. c. 24.

persons shall refuse or neglect to aid any constable, bailiff, or other public officer, that every such person or persons, upon motion thereof made before two justices here such offence shall be committed, to be levied by warrant from the said the offender's goods; and in case no such offender shall be committed to the there to remain for the space of one

The penalty for refusing to assist the officers.

persons whatsoever shall forcibly resist the officer, or other person or persons of this act, that then every such person, upon motion thereof made before two justices here such offence shall be committed, to be levied by warrant from the said the offender's goods; and in case no such offender shall be committed to the there to remain for the space of three

The forfeiture for resisting the officers.

, nor anything therein contained, shall the setting of tobacco in any physic garden of private garden for physic or chirurgery exceed not one half of one pole in any

Sic in act. A saving for tobacco planted in the physic gardens.

1 & 2 Will. IV. c. 13, intituled *An Act to repeal an Act of the 13th Year of King George the Third, for repealing so much of several Acts as prohibit the Growth and Produce of Tobacco in Ireland, and to permit the Importation of Tobacco of the Growth and Produce of that Kingdom into Great Britain*, (23d August, 1831), reciting, "Whereas by an act of the twelfth year of the reign of king Charles the Second, intituled *An Act for prohibiting the planting, setting, or sowing of Tobacco in or Ireland*, and by certain other acts since passed, the setting, or improving to grow, making, or curing any tobacco, either in the kingdom of England or in the kingdom of Ireland, is prohibited, except in any physic garden of either universities, or other private garden for physic or chirurgery, only so as the tobacco so planted exceed not one half of one pole in any one place or garden; whereas by an act passed in the nineteenth year of the reign of his said majesty king George the Third, intituled *An Act to repeal so much of several Acts as prohibit the Growth and Produce of Tobacco in Ireland to permit the Importation of Tobacco of the Growth and Produce of that Kingdom into Great Britain under the like Duties and Regulations as of the Growth of the British Colonies in America is permitted to be imported*, so much of the said first-recited act, and of another act made in the seventh year of the reign of king Charles the Second, intituled *An Act for the Encouragement of Trade*, or of any other act which prohibited the setting, planting, or improving to grow, making, or curing tobacco, either in plant, seed, or otherwise, in the kingdom of Ireland, was repealed; and whereas by an act passed in the twenty-second year of the reign of his said majesty king George the Third, for explaining the said act, and for permitting the use and removal of tobacco, the growth and produce thereof, into England for a limited time, under certain restrictions, it was enacted and declared, that the said first-recited act of the twelfth year of the reign of king Charles the Second, and every other act and

1 & 2 Will. IV. c. 13.

12 Car. II. c. 34.

19 Geo. III. c. 85.

15 Car. II. c. 7.

22 Geo. III. c. 73.

1 & 2 Wm. IV.
c. 13.

Recited act, 19
Geo. III. c. 85,
repealed; and 12
Car. II. c. 84,
revived in and
extended to Ire-
land.

Acts to be put in
force by officers of
excise and cus-
toms.

Penalties and for-
feitures to be sued
for, and goods to
be condemned,
under acts relat-
ing to customs
and excise.

Penalty on having
tobacco the
growth of the
United Kingdom
in possession, &c.

acts which had since passed for prohibiting the culture of land, should extend and be construed to extend to the United Kingdom called Scotland: and whereas it is expedient to revive and extend to Ireland the recited act of the nineteenth year of the reign of his said Majesty George the Third, and to revive in and extend to Ireland the act of the twelfth year of king Charles the Second, and since passed for prohibiting the growth and culture of tobacco enacted, "That the said recited act passed in the nineteenth year of his said Majesty, for repealing so much of the act which prohibited the growth and produce of tobacco in Ireland as was repealed; and that the said recited act of the twelfth year of king Charles the Second, and so much of an act passed in the year of the same reign as imposes certain penalties on the culture of tobacco in England and Ireland, and all other laws and acts which have since passed for prohibiting the growth of tobacco in Great Britain, shall be revived in and shall be deemed and construed to extend to Ireland; and that it shall be lawful to plant, set, improve to grow, or cure, either in England or otherwise, any tobacco in any part of the United Kingdom except in the places and in the quantities and for the purposes mentioned and allowed."

Sect. 2. "The several acts for prohibiting the growth of tobacco shall and may be put in force, in and throughout the United Kingdom, by the commissioners and by any officer or officers of excise; and all sheriffs, mayors, bailiffs, and constables, and other officers, shall act in execution of the said acts on the behalf of the officer of excise as well as of any officer of customs."

Sect. 3. "The several penalties and forfeitures in and under the twelfth and fifteenth years of the reign of king Charles the Second, or by this or any other act prohibiting the growth and culture of tobacco imposed, shall and may be sued for, recovered, and levied under the said acts condemned, by the same means, manner, and under the same rules, restrictions, and regulations as penalties or forfeitures may be sued for, recovered, and levied under any seizure condemned, under any act or acts relating to the customs or excise; and all such penalties and forfeitures recovered, be applied and disposed of in the same manner as forfeitures are directed by the said last-mentioned acts to be applied and disposed of; and all tobacco the growth of the United Kingdom, and all snuff made from such tobacco condemned, shall be disposed of in the same manner as tobacco to be imported."

Sect. 4. "If any tobacco, the growth or produce of the United Kingdom, manufactured, or unmanufactured, or tobacco of foreign growth, shall be delivered to, receive, or be in the possession of any manufacturer, dealer in, or retailer of snuff, in any quantity whatsoever, or if any such tobacco delivered to, or received by, or be found in the possession of any person or persons whatsoever in any quantity exceeding one hundred weight, or if any manufacturer or dealer in or retailer of tobacco shall manufacture or use any tobacco of the growth of the United Kingdom, or shall mix any such tobacco with tobacco of foreign growth, or with any snuff made from tobacco of foreign growth, or if any manufacturer, dealer in, or retailer of tobacco shall purchase or sell any tobacco of the growth of any part of the United Kingdom, or any tobacco or snuff manufactured in the whole or in any part of the United Kingdom, or if any manufacturer, dealer and retailer, and other person so offending in any of the cases respectively aforesaid, shall for every such offence be liable to pay one hundred pounds; and all such tobacco of the growth of the United Kingdom, or any tobacco or snuff manufactured in the whole or in any part of the United Kingdom, or any tobacco of foreign growth, shall be liable to be seized by any officer of excise, and may be sold by him, or by any person authorized by him in that behalf, and the proceeds of the sale thereof shall be paid to the person or persons to whom the same shall be due, and the balance thereof shall be paid to the Treasury."

III. c. 35; *Magna Charta*, c. 17; 52 Hen. III. c. 10; 13 Edw. I. c. 1 Edw. III. c. 17; 31 Edw. III. st. 1, c. 15; 1 Edw. IV. c. 2.]

sheriff's turn is the king's court of record holden before the Torn, what.
for the redressing of common grievances within the county. (2
20, s. 2.)

forasmuch as the sheriff did go in the circuit twice every year Meaning of the
out every hundred within the county, it was called *tour* or *tourn*, word.
signifieth a circuit or perambulation. (2 Inst. 70.)

as 31 Edw. III. st. 1, c. 15, the sheriff shall make his turn yearly, When to be
within a month after Easter, and another time within a month after holden.
Easter; and if he holds it in other manner, he shall lose his turn for
ever: that is, the court so holden for that time shall be void, and the
sheriff shall lose the profit thereof. (2 Inst. 71.)

also by 9 Hen. III. c. 35, he shall keep his turn nowhere but in Where to be
the place and accustomed. holden.

the statute of *Marlbridge*, 52 Hen. III. c. 10, archbishops, bishops, Who need not
priests, men of religion, or women, shall not need to come to the appear at the
turn, unless their presence be specially required for some cause; torn.
they have tenements in divers hundreds, they shall not need to come
turn but in the bailiwicks where they dwell. (See 2 Haw. c. 10, s. 11.)
persons in ancient demesne are privileged by the common law from
going to this court, unless they and their ancestors have time out of
mind to come to it. Also, persons of churches have the like privi-
lege by the common law. (2 Haw. c. 10, s. 11.)

(all other persons, being above the age of twelve years, are bound Who are to ap-
to attend at such courts, in order to make inquiry of all common griev- pear at the torn.

ances, and also give security to the public for their good behaviour, by taking an oath to be faithful to the king, and to observe his laws, and also by incorporating themselves into some free pledge or tithing, which formerly signified a certain number of families living together in the same precinct, the masters whereof were every one of them mutually bound for each other, and punishable for the default of any member of any such family in not appearing to answer for himself on any accusation made against him. (2 *Haw.* c. 10, s. 2.)

Jurors.

The 6 Geo. IV. c. 50, repeals the 1 Rich. III. c. 4, relating to jurors in the torn. (See "*Jurors*," Vol. III.)

If the defendant except not to an unqualified juror upon his arraignment, he is concluded by that omission. (2 *Hale*, 70.)

By the 13 Edw. I. st. 2, c. 13, the jury shall put their seals to the inquisitions.

Indictments to be indented.

By the 1 Edw. III. c. 17, indictments in the torn shall be by roll indented, one part to remain with the indictors, and the other with him that taketh the inquest.

Distress and sale.

It seems to be settled at this day, that a distress is incident of common right to every fine and amerciamment in the torn; and that the offender's goods may be distrained in any lands within the precinct of the court, in the highway; and that the goods distrained may be sold. But a bailiff must have a special warrant to make distress. (2 *Haw.* c. 10, s. 2.)

Within what time offences are cognizable in the torn.

Or the fine may be recovered by action of debt. (*Id.* s. 31.)

But no offence is cognizable in the torn, unless it arise since the beginning of the last court. (*Id.* s. 50.)

Traverse.

It seems to be agreed, that a presentment in the torn of any offence within the jurisdiction of the court, being neither capital nor concerning any freehold, subjects the party to a fine or amerciamment, without any traverse. (*Id.* s. 76.)

Indictment to be certified to the sessions.

By *Magna Charta*, 9 Hen. III. c. 17, the sheriff is restrained in his power from hearing and determining indictments of felonies; yet the sheriffs commonly make out process or precepts in nature of a *capias* to arrest parties; but by 1 Edw. IV. c. 2, their power of making out process upon these indictments is taken away as well in cases of indictments of felonies as other misdemeanours within their cognizance; but they are to deliver all such indictments and presentments to the next sessions, who are to make out process thereupon, and hear and determine them. (2 *Hale*, 70.)

And the estreats of the fines thereupon shall be enrolled, and by indenture be delivered to the sheriff, to the use of him that was sheriff at the time of the indictment so taken in the torn as aforesaid.

Constables chosen in the torn.

The constables of common right are to be chosen and sworn in the torn or leet. (2 *Haw.* c. 10, s. 37. See title "*Leet*.")

Township, Statement of, in Indictment, see Vol. III.;—Statement of Property in, see Vol. III.

Trade. Injuries to Manufactures, &c., see "*Malicious Injuries to Property*," Vol. V.;—Setting Fire to Buildings used for the Purpose of, see "*Burning*," Vol. I.;—See also "*Factories*," Vol. III.;—"Manufactures," Vol. V.;—"Linen," Vol. III.;—"Silk,"—"Servants," Vol. V.;—"Woollen," *post*.

Training to Arms. See "*Riot*," Vol. V.

Traitor. See *post*, "*Treason*."

It was introduced unknown as a penalty to the common law. (Fleetwood v. Finch, 2 H. Bla. 223; 3 P. Wms. 38; 137.) The only case in which it arose seems to have been in the reign of Henry II, where the party accused fled to a sanctuary, confessed his guilt, and took an oath to leave the kingdom at the port assigned to him, and not to return without permission of his majesty. (4 Bla. 115.) This was evidently not a punishment, but a condition of pardon. It was expressly contended by *Magna Charta*, that no freeman should be punished unless by the judgment of his peers or by the law of the land. (29 Edw. I. c. 1, s. 29.)

But *exile* was first introduced as a punishment by the legislature in the thirty-ninth year of queen Elizabeth, when a statute (39 Eliz. c. 4) provided that such rogues as were dangerous to the inferior people should be banished the realm (Barr. Arch. stat. 445, 5 Edw. I. c. 1); and that in which the word *transportation* is used, is the 18 Car. II. c. 9, s. 1, which gives a power to the judges, at their discretion, either to transport to America, for life, the moss-troopers of Cumberland and Lancashire. (2 Wood, 498. And see 22 Car. II. c. 5; 22 & 23 Car. II. c. 9, s. 1.)

The act 18 Car. II. was made perpetual by the 31 Geo. II. c. 11, s. 1.

It was first brought into general use as a punishment anno 1718, by Geo. I. c. 11, and continued by the 6 Geo. I. c. 23, which gave to the court a discretionary power to order felons who were sentenced to death, to be transported to the American plantations. (When first brought into general use.)

By the act 1718, the persons contracting for the transportation of felons to the colonies, or their assigns, had an interest in the service for seven or fourteen years, according to the term of transportation.

In *Leach and others*, (1 Leach, 441,) it was held, that sentence of transportation may be passed a second time upon a prisoner, although he had before received sentence of transportation. (Second sentence of transportation.)

A sentence of transportation for fourteen years, if bad for excess, is void. (Judgment, if bad in part, bad in toto.) (R. v. Ellis, 10 Mod. 141.)

We will proceed to consider this title under the following

I. *The Statutes regulating the Transportation of and Custody, and other Matters relative to them Sentence and abroad.*

II. *The Offence of returning from Transportation.*

I. *The Statutes regulating the Transportation, &c.*

Acts in force regulating transportation, &c.

The principal act now in force regulating the transportation is 5 Geo. IV. c. 84, which revives and consolidates all the subject.

5 Geo. IV. c. 84.
Commencement of act under the provisions of which all persons already sentenced or ordered for transportation shall be placed.

By the 5 Geo. IV. c. 84, intituled "An Act for the relief of Offenders from Great Britain," after reciting, that "whereas laws in force for regulating the transportation of offenders from Great Britain will expire at the end of the present session of parliament; and it is expedient that the laws relative to that subject shall be consolidated into one act:" it is enacted, "That this act shall come into force on the last day of this present session of parliament; and from that day, all things remaining to be done, touching the imprisonment, correction, removal, transportation, discipline, diet, and clothing, of persons sentenced or ordered to be transported or banishment from any part of Great Britain, under any laws now in force, or pardoned on condition of being transported or banished, shall be continued, done, and complied with, according to the provisions of this act; and that all sentences and orders of transportation, all orders in council, and other orders, warrants, instructions, appointments, authorities, contracts, and securities now given under any of the said acts, and in force at the time of the commencement of this act, shall continue in force under and by virtue of this act, unless and until they shall be revoked or superseded."

Offenders adjudged for transportation to be transported under this act.

Sect. 2. "From and after the commencement of this act, any person convicted before any court of competent jurisdiction in Great Britain of any offence for which he or she shall be liable to be transported or banished, shall be adjudged and ordered to be transported or banished to any part of His Majesty's colonies, or to any place beyond the seas, for the term of life or years for which such offender shall be liable by any law to be transported or banished; and every sentence of transportation or banishment passed or to be passed on any person by any court of competent jurisdiction in Great Britain, and every sentence of transportation or banishment made or to be made in pursuance of any such court or other competent authority, shall be void, and the offender to be conveyed beyond the seas under the provisions of this act, and whenever His Majesty shall be pleased to extend mercy to any person convicted of any crime for which he or she is or shall be liable to be transported or banished, the benefit of clergy, upon condition of transportation, shall be allowed to such offender either for the term of life, or any number of years, and such sentence of transportation or banishment shall be signified by one of His Majesty's principal secretaries of state to the court before which such offender hath been convicted, or any subsequent court with the like authority, shall allow to such offender the benefit of a conditional pardon, and shall make an order for the immediate transportation of such offender; and whenever such intention of mercy shall be so signified to the judge or other authority to whom such offender hath been or shall be convicted, or to the court of King's Bench or Common Pleas, or to the Exchequer of the degree of the coif in England, such judge or other authority or baron shall allow to such offender the benefit of a conditional pardon, and make an order for the immediate transportation of such offender in the same manner as if such intention of mercy had been signified to the court before which such offender hath been convicted."

Power for subsequent court, &c., to allow conditional pardon in cases where His Majesty extends mercy to the offender.

and, from time to time, to appoint any place or places beyond her within or without his majesty's dominions, to which felons finders under sentence or order of transportation or banishment be conveyed; and that, when any offenders shall be about to be removed or banished from Great Britain, one of his majesty's secretaries of state shall give orders for their removal to the ship appointed for their transportation, and shall authorize and empower him to make a contract for their effectual transportation to some place so appointed, and shall direct security to be given for their transportation, in the manner hereinafter mentioned."

The sheriff or gaoler receiving such order of removal shall forthwith remove every offender to whom the same shall relate, who, having been examined by an experienced surgeon or physician, shall appear to be free from any putrid or infectious distemper, to be transported to the ship employed for his or her transportation, and there deliver every such offender to the contractor, together with a copy, attested by such sheriff or gaoler, of the caption and warrant by which each such offender was sentenced or ordered to be transported, containing the sentence or order of transportation of such offender, by virtue whereof he or she shall be in the custody of the contractor; and also a certificate specifying concisely the description of his or her crime, his or her age, whether married or unmarried, his or her trade or profession, and an account of his or her behaviour in and after trial, and the gaoler's observations on his or her disposition, and such information concerning his or her former course of life as may have come to the gaoler's knowledge. The contractor shall give a receipt in writing to the sheriff or gaoler on the discharge of such offender, and the discharge of such sheriff or gaoler."

Every such contractor, with two sureties, shall, before any offender shall be delivered to him to be transported, give security by oath to his majesty, that he will effectually transport, or cause to be transported, every offender included in his contract, to such place beyond the seas as shall be specified in the contract, and procure from the principal secretaries of state to deliver such certificate of the landing of such offender in that place,

transportation."

Secretary of state to authorize persons to make contracts for transportation.

Sheriffs or gaolers, on receiving orders for removal of offenders for transportation, to deliver them over to the contractor, if free from distemper.

† Sic in act.

Persons undertaking to transport offenders to give proper security.

1. Statutes Regulating.

5 Geo. IV. c. 84.

Such punishment
to be entered on
log book.

Secretary of state
may give custody
of offenders trans-
ported in king's
ships, without
security.

Governor of the
colony, &c., to
have property in
service of of-
fender.

What persons
deemed govern-
ors.

King's preroga-
tive.

His Majesty to
appoint places of
confinement of
offenders in
England.

Order of removal.

Duty of sheriff

probation thereof in writing under his hand; and every such punishment or correction, together with the particulars of the offence for which the same is inflicted, and such written approbation as aforesaid, shall be entered by such master or principal offender, upon the log-book of the ship, under a penalty of 20*l*. for neglect to make such entry, to be recovered to the use of the crown by bill, plaint, or information in any court of record in England or one of the supreme courts of New South Wales, or Van Diemen's Land.

Sect. 7. "Provided, that whenever the transportation of any offender shall take place in any ship belonging to his majesty, it shall be lawful for one of the principal secretaries of state, by warrant under his hand, to nominate some person or persons who shall have the custody of such offender during the voyage, and thereupon such offender shall be delivered to such nominee or nominees, without any contract being required or given for the effectual transportation of such offender, and every such nominee shall have the like power of punishing any offence or disorderly conduct in such offender during the voyage, as is hereby given to the surgeon of a ship specially employed for the transportation of offenders."

Sect. 8. "So soon as any such offender shall be delivered to the governor of the colony, or other person or persons to whom the custody of such offender or such nominee or nominees as aforesaid, shall be so directed, the property in the service of such offender shall be the property of the governor of the colony for the time being, or in such other person or persons; and it shall be lawful for the governor for the time being, and for such other person or persons, whenever he or they shall think fit, to assign any such offender to any other person for the time being, for the term of his or her term of transportation, and for such assignee to have the custody of such offender, and so often as may be thought fit; and the custody of such offender shall continue in the governor for the time being, or in such other person or persons as aforesaid, or in such other person or persons as he or they shall assign, during the whole remaining term of life or years for which such offender was sentenced or ordered to be transported: provided, that for the purposes of this act, every person administering the government of a colony, by whatever name or title he may be denominated, shall be deemed to be the governor thereof."

Sect. 9. "Provided that nothing in this act contained shall in any manner affect his majesty's royal prerogative of mercy."

Sect. 10. "It shall be lawful for his majesty, from time to time, by warrant under his royal sign manual, to appoint places of confinement for offenders within England or Wales, either at land or on board vessels within the limits of some port or harbour of England or Wales, for the confinement of male offenders under sentence or order of transportation, which shall be under the management of a superintendant appointed by his majesty; and that it shall be lawful for his majesty's principal secretaries of state to direct the removal of any offender who shall be under sentence of death, but who shall be reprieved, or whose sentence shall be respited during his majesty's pleasure, or who shall be under sentence or order of transportation, and who, when examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such offender shall be confined, to any of the places of confinement so appointed; and every offender so removed shall continue in the said place of confinement, or be removed to and confined in some other such place or places so appointed, as one of his majesty's principal secretaries of state shall from time to time direct, until such offender shall be transported according to his sentence, or shall become entitled to his liberty, or until one of his majesty's principal secretaries of state shall direct the return of such offender to the gaol or prison from which he shall have been removed; and the

shall be ordered 1. Statutes
for the receipt of *Regulating.*

such offender to *3 Geo. IV. c. 84.*
superintendent or *and gaoler*
riff or gaoler, of *therein.*
if was sentenced

order of trans-
shall be in the
; specifying com-
ed or unmarried,
in prison before
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to the sheriff or

one fit and able *Appointment by*
neciment; and in *his majesty of*
his majesty also *superintendent of*
y to such super- *places of confine-*
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high he shall be *His duty.*

er of each such
cers and guards,
shall personally
a every year, or
examine into the
conduct of the
wards, the treat-
the several con-
onfinement, and
t of the same to

Report of state of
such places to
secretary of state.

is majesty's principal secretaries of state, who shall cause such
to be laid before both houses of parliament at the beginning of
session: and such superintendent shall distinguish in such report
amount of the earnings and expenses at each of such places of con-
finement, and shall state the average number of prisoners confined therein,
number of days' labour done by such prisoners, distinguishing
of artificers, and of any other superior labourers, from that of
labourers; and such superintendent shall also, in matters of
necessity, make a special report thereof to one of his majesty's
principal secretaries of state, who may and is hereby authorized to afford
advice or provide such regulations as he shall deem proper; and
superintendent, assistants, or deputies, and overseers, shall continue
during his majesty's pleasure, and shall receive such salaries as
his majesty's principal secretaries of state shall appoint; and such
superintendent shall be paid such travelling and other reasonable expenses
incurred by him in discharge of his duty."

12. "Whenever any offender shall be brought to any such place
of confinement as aforesaid, in pursuance of the powers of this act, he shall
be examined, cleansed, and purified, and the clothes in which he shall be
clothed shall be burnt, if necessary, or otherwise shall be pre-
served and taken care of for him by the overseer, and re-delivered to
him on his quitting it, or sold for his benefit, and the produce thereof
shall be paid for to him by the overseer; and when such offender shall be
discharged, such other decent clothing, as shall be judged necessary
for him by the superintendent, shall be delivered to such offender by
the overseer, and also such sum of money for his immediate subsistence
as the superintendent shall think proper, so as such sum shall not in any
case exceed 3s."

Regulations for
cleansing and
purifying and
clothing of
offenders.

Subsistence al-
lowed on dis-
charge.

13. "It shall be lawful for his majesty, by any order or orders in
council, to declare his royal will and pleasure, that male offenders con- *His majesty, in*
council, may di-

1. Statutes Regulating.

5 Geo. III. c. 84.

rect convicts to be employed in any part of his dominions out of England, under management of superintendant and overseer.

Superintendant to make returns of prisoners to secretary of state as herein mentioned.

Power and duties of superintendant and overseers.

Superintendant empowered to act as a justice of the peace.

victed in Great Britain, and being under sentence or ordination, shall be kept to labour in any part of his majesty's of England, to be named in such order or orders in council whenever his majesty's will and pleasure shall be so directed; it shall be lawful for one of his majesty's principal secretaries to direct the removal and confinement of any such male offender on land or on board any vessel to be provided by his majesty within the limits of any port or harbour in that part of his majesty's dominions which shall be named in such order in council, under the management of the said superintendant, and of an overseer to be appointed by his majesty for each such vessel or other place of confinement; and any offender who shall be so removed shall continue on board such vessel or other place of confinement to be so provided, or any other place of confinement to be from time to time provided by his majesty, until his majesty shall otherwise direct, or until he shall be entitled to his liberty."

Sect. 14. "The said superintendant shall from time to time make returns, specifying the name of every person in custody in any place of confinement, the offence of which he shall have been convicted, the court before which he shall have been convicted, and the term of such custody, together with his age and bodily state, and whether he died whilst in such custody, or shall have escaped, or has been discharged from the same; which returns shall be made on the first of January, April, July, and October, in every year, to one of his majesty's principal secretaries of state, on the oath of the superintendant or overseer, such oath to be made before a justice of the peace."

Sect. 15. "After the removal of any offender under the management of the said superintendant and overseer, who shall have the custody of him, he shall, during the term of such custody, have the same powers over him as a sheriff or gaoler, and shall in like manner be responsible for any escape of such offender; and if any offender shall be guilty of any misbehaviour, or disorderly conduct, the said superintendant or overseer shall be authorized to inflict, or cause to be inflicted, on him, such moderate punishment or correction as shall be directed by one of his majesty's principal secretaries of state; and such superintendant or overseer shall also, during such custody, see every offender clothed according to a scale of diet and clothing to be from time to time notified in writing by one of his majesty's principal secretaries of state to the said superintendant; and shall keep such offender to labour in any place of confinement, and under such regulations, directions, limitations, and orders as shall be directed by such secretary of state shall from time to time be provided in case of the absence of any such superintendant or overseer, his duties or powers shall be discharged and exercised in all respects by the officer or person on whom the place of confinement shall devolve."

Sect. 16. "It shall be lawful for such superintendant, or overseer, authorized, in every such place of confinement as aforesaid, or on board any vessel to be provided as aforesaid, and at any other place wherein any offenders under his superintendance shall be confined, to act in every respect as a justice of the peace, and to be named in the commission of the peace, and had been sworn to act as a justice of the peace for the county or place in which the place of confinement shall be, or any such offender shall be confined to labour."

Sect. 17. After reciting, that "by the laws in force in his majesty's dominions not within the United Kingdom, offenders of certain offences are liable to be punished by transportation to the sea, and other convicts adjudged to suffer death in his majesty's dominions have received or may receive his majesty's gracious pardon, upon condition of transportation beyond the seas, there may be no means of transporting such convicts to

1. Statutes Regulating.

3 Geo. III. c. 84.

rect convicts to be employed in any part of his dominions out of England, under management of superintendant and overseer.

Superintendant to make returns of prisoners to secretary of state as herein mentioned.

Power and duties of superintendant and overseers.

Superintendant empowered to act as a justice of the peace.

victed in Great Britain, and being under sentence or order of tion, shall be kept to labour in any part of his majesty's dominions of England, to be named in such order or orders in council whenever his majesty's will and pleasure shall be so declared; it shall be lawful for one of his majesty's principal secretaries of state to direct the removal and confinement of any such male offender to any land or on board any vessel to be provided by his majesty within the limits of any port or harbour in that part of his majesty's dominions which shall be named in such order in council, under the management of the said superintendant, and of an overseer to be appointed by his majesty for each such vessel or other place of confinement; and any offender who shall be so removed shall continue on board such vessel or other place of confinement to be so provided, or any similar other place of confinement to be from time to time provided by his majesty, until his majesty shall otherwise direct, or until the offender shall be entitled to his liberty."

Sect. 14. "The said superintendant shall from time to time make returns, specifying the name of every person in custody in such places of confinement, the offence of which he shall have been convicted, the court before which he shall have been convicted, and the term of his sentence, and such court, together with his age and bodily state, and his conduct whilst in custody; and also the names of such offenders who shall have died whilst in such custody, or shall have escaped, or have been discharged from the same; which returns shall be made on the 1st of January, April, July, and October, in every year, to one of his majesty's principal secretaries of state, on the oath of the overseer of such place of confinement, such oath to be made before a justice of the peace."

Sect. 15. "After the removal of any offender under this act to any place of confinement, the superintendant and overseer, who shall have the custody of him, shall, during the term of such custody, have the same powers over him as a sheriff or gaoler, and shall in like manner be responsible for any escape of such offender; and if any offender shall be guilty of any misbehaviour, or disorderly conduct, the superintendant or overseer shall be authorized to inflict, or cause to be inflicted, on him, such moderate punishment or correction as shall be thought proper by one of his majesty's principal secretaries of state; and such superintendant or overseer shall also, during such custody, see every offender clothed according to a scale of diet and clothing to be from time to time notified in writing by one of his majesty's principal secretaries of state to the superintendant; and shall keep such offender to labour in such place of confinement, and under such regulations, directions, limitations, and orders as shall be by such secretary of state shall from time to time be prescribed; and in case of the absence of any such superintendant or overseer, his duties or powers shall be discharged and exercised in all respects by the officer or person on whom the management of the place of confinement shall devolve."

Sect. 16. "It shall be lawful for such superintendant, and overseer, authorized, in every such place of confinement as aforesaid, to see every offender clothed according to a scale of diet and clothing to be from time to time notified in writing by one of his majesty's principal secretaries of state to the superintendant; and shall keep such offender to labour in such place of confinement, and under such regulations, directions, limitations, and orders as shall be by such secretary of state shall from time to time be prescribed; and in case of the absence of any such superintendant or overseer, his duties or powers shall be discharged and exercised in all respects by the officer or person on whom the management of the place of confinement shall devolve."

Sect. 17. After reciting, that "by the laws in force in some of his majesty's dominions not within the United Kingdom, offenders of certain offences are liable to be punished by transportation beyond seas, and other convicts adjudged to suffer death in such dominions have received or may receive his majesty's gracious pardon, upon condition of transportation beyond seas, there may be no means of transporting such convicts to any

extended to extend, to every convict who may have been or is adjudged to transportation by any court or judge in any of His Majesty's dominions not within the United Kingdom, and to every offender who is adjudged by any such court or judge to suffer death, and to every offender who is sentenced to transportation, and brought to England in order to be executed, as fully and effectually, to all intents and purposes, as if he or she had been convicted and sentenced at any session of gaol for any county within England."

It shall be lawful to keep to hard labour every offender under sentence of transportation, while he or she shall remain in the gaol, if his or her health shall permit, and if one or more of the justices of such gaol shall give a written order to that effect; and it shall be lawful for one of His Majesty's principal secretaries of State, if he think fit, to order that any such offender be removed from gaol to the house of correction, and there kept to hard

Convicts may be kept to hard labour, and may be removed to house of correction.

The time during which any offender shall continue in any place of correction, or in any such place of confinement as aforesaid, under sentence or order of transportation or banishment, shall be reckoned in discharge, or part discharge, of the term of his or her imprisonment or banishment."

Time of imprisonment deemed part of term.

The sheriff or gaoler, and every person employed in the service of any offender, in order to be transported or banished, or to be confined in any such place of confinement as aforesaid, or in the removal of any offender from any such place of confinement to the place from which he was removed, may, in such manner as he may think fit, carry and secure such offender in and through any county or town, towards the seaport or place from whence he or she is to be transported or banished, or where he or she is to be confined, or to the place to which he or she is to be reconveyed."

Offenders may be carried through any county to the seaport.

In England and Wales, all such fees, on the delivering out of any such offender so ordered to be transported or removed, as have been paid to the sheriff or gaoler, and all reasonable expenses which the sheriff or gaoler shall incur in every such removal, shall be paid by the county, riding, division, city, borough, liberty, or place, for

Expenses of removal to be paid by county where conviction took place.

1. Statutes Regulating.

5 Geo. IV. c. 84.

Proviso for persons banished under 60 Geo. III. c. 8.

For protecting transported felons herein mentioned in the enjoyment of property acquired after conviction.

In actions for executing act.

General issue.

In what case no costs to plaintiffs.

Limitation of actions.

Repeal of acts.

By sect. 25, the act is not to extend to persons adjudged under the 60 Geo. III. c. 8, as to blasphemous and seditious now, by the 1 Will. IV. c. 73, that part of the 60 Geo. I.

Sect. 26. "And whereas it hath sometimes happened, that persons sentenced or order of transportation in New South Wales adjacent, have received from the governor or lieutenant-governor remissions, either absolute or conditional, of the whole or part of the term of their transportation, and have by their neglect of property, in the enjoyment whereof it is expedient to prevent the like may happen in future in the same colony, and in the colony to which felons may be transported under and by virtue of this act, it therefore enacted, "That it shall and may be lawful for any person sentenced or order of transportation, who hath received any such remission as aforesaid from the governor or lieutenant-governor of New South Wales, or from the governor or lieutenant-governor of any other colony, who may be authorized to grant the same, shall reside in a place where he lawfully may reside under the order, or remission, and under the provisions of this act, in any action or suit for the recovery of any property, real, personal or acquired by such felon since his or her conviction, and for any injury sustained by such felon since his or her conviction, in the courts of the colony or place where such felon shall be residing, but also in the courts of this kingdom, and of all other colonies and dominions; and if the defendant in any such action or suit shall allege in his defence the plaintiff's or complainant's conviction, and the plaintiff or complainant shall allege and prove that he hath received such remission as aforesaid, and is residing in accordance with the provisions of this act, a verdict shall be given, and judgment shall be given, for the plaintiff or complainant."

Sect. 27. "If any suit or action shall be prosecuted in any colony or Ireland, against any person for anything done in pursuance of this act, the defendant may plead the general issue, and give in evidence any special matter in evidence at any trial to be had thereupon, and if a verdict shall be given for the plaintiff, the same was done by the authority of this act; and if a verdict shall be given for the defendant, or judgment shall in any manner be given for the plaintiff, the defendant shall recover treble costs, and have for the same as any defendants have by law in other cases; and if a verdict shall be given for the plaintiff in any such case, the plaintiff shall not have costs against the defendant, unless before whom the trial shall be had shall certify his approval of the verdict."

Sect. 28. "All actions, suits, and prosecutions against any person for anything done in pursuance of this act shall be commenced within six calendar months after the fact committed, and not after any other period; and if done within the body of any county, it shall be tried in that county, and no other; and if done out of the body of any county, it shall be laid and tried in the county of Middlesex, and not elsewhere."

By sect. 29, from and after the commencement of this act, the 4 Geo. I. c. 11 (a), as relates to contracts and security of transportation of offenders, and to the punishment of those who are transported; and so much of the 6 Geo. I. c. 23 (a), as relates to the same objects; and the 16 Geo. II. c. 15, and 8 Geo. II. c. 24, as relates to the transportation of offenders, and their removal to and imprisonment in ten years confinement (*viz.* sect. 4, 5); and so much of the 31 Geo. III. c. 32, as relates to the imprisonment and employment in hard labour of persons sentenced to transportation (*viz.* sect. 7); and the 43 Geo. III. c. 58, shall be repealed.

(a) The 7 Geo. IV. c. 27, repeals the rest of these two acts of the 4 Geo. I. c. 11.

for their transportation, and shall authorize and empower make a contract for their effectual transportation to some appointed, and shall direct security to be given for their station, in the manner thereafter mentioned; and it is enacted, that whenever the transportation of any such ke place in any ship belonging to his majesty, it shall be f the principal secretaries of state, by warrant under his le some person or persons who shall have the custody of rring the voyage, and thereupon such offender may be . nominee or nominees, without any contract or security r given for the effectual transportation of such offender; further enacted, that so soon as any such offender shall be governor of the colony, or other person or persons to ctor or such nominee or nominees as aforesaid shall be so r him or her, the property in the service of such offender i the governor of the colony for the time being, or in such persons as aforesaid: and whereas divers felons and other heretofore been transported from Great Britain to his s of * South Wales and Van Diemen's Land respectively, * Sic. e of the directions of one of the principal secretaries of delivered to the governors of those respective colonies, or those colonies to whom such respective contractors or ssaid have been so directed to deliver them; but, from n causes, it hath occurred that some of such offenders d and put on shore, and delivered at one of the before- ies, who ought, according to such directions as aforesaid, ded and put on shore, and delivered at the other of the d colonies: and whereas, under the licences of the said respective colonies, divers offenders who had been oressaid, have from time to time been removed from the of the said colonies: and whereas doubts have arisen s who have been so landed, put on shore, and delivered oressaid, can, within the respective colonies in which they rely resident, be lawfully dealt with in such and the same y were respectively resident within the colony to which nally sentenced or ordered to be transported:" it is

1. Statutes regulating Transportation, &c. of Offenders.

11 Geo. IV. &
1 Will. IV. c. 89.

Governor of the one colony may receive felons who are ordered to be delivered in the other colony.

Governor of one colony may remove felons to the other colony.

Convicts removed from one colony to another liable to punishment for disorderly conduct.

Convicts removed from one colony to another to be subject to the regulations of the colony to which removed.

For prohibiting

such colony, and shall within the colony in which they now resident be dealt with, governed, and disposed of in such and the same manner, as other convicts within the colony; that the property in the service of all such offenders shall be the property of the governor or officer administering the government of the colony in which they are actually resident, in the same manner, and subject to the same rules and conditions, as if they had been ordered on their original transportation to be delivered to such colony.

Sect. 2. "In any case in which a ship conveying offenders from the United Kingdom of Great Britain to any colony, the master of which has entered into a contract or been ordered to convey such felons or other offenders at the colony or place to which they are to be transported, by stress of weather or other emergency, shall convey such felons or other offenders to any other colony, the governor or officer administering the government of such other colony shall be authorized, if he shall deem it expedient, to receive such felons or other offenders in the said colony or place, and such felons or other offenders shall be subject and liable to the same laws, rules, and regulations, as if they had been ordered on their original transportation to be delivered to such colony."

Sect. 3. "It shall be lawful for the governor or the officer administering the government of either of the said colonies, with the consent of the governor or officer administering the government of the other colony, by an order in writing under his hand, to authorize the removal of any such convicts as aforesaid from the colony under the charge of the master of any ship or other person proceeding directly to the colony to which such convicts are to be removed, and to contract with such master or other person for the removal of such convicts to such other colony, and to require such master or other person to give bond to his majesty that he will effectually remove or cause to be removed every convict included in such contract to the colony to which he is to be removed, and procure from the governor or officer administering the government of such colony a certificate of the receipt of such convict there (death and casualties by sea excepted), and that such convict shall not be suffered to escape from the vessel in which he is so removed, by the wilful default of such contractor or any person employed by him."

Sect. 4. "All and every the laws in force for the punishment of the behaviour or disorderly conduct by any offender on board any ship or vessel, which he or she may be transported from Great Britain to any colony, and extend, and are hereby extended to every convict who is removed by any such order as aforesaid, shall be removed from either colony to the other of them."

Sect. 5. "So soon as any such convict shall be delivered to any colony, or to the officer administering the government of the colony to which he or she shall be so removed, such convict shall within such colony be subject and liable to all such and the same laws, rules, and regulations, as if he or she had been contracted or ordered on his or her original transportation to be delivered to the governor or the officer administering the government of such colony, and shall be there dealt with, governed, and disposed of, in all respects, in such and the same manner as other convicts within the same colony; and that the property in the service of such convict shall be vested in the governor or officer administering the government of the colony to which he or she may be so removed, and subject to all such and the same laws, rules, and conditions, as if he or she had been contracted or ordered on his or her original transportation to be delivered to such colony as aforesaid."

Sect. 6. "If any person, in contravention of the ex-

place where the same shall be heard and determined, there custody for any time not exceeding three months, without fine, unless such person shall immediately pay down such sum, not exceeding 20*l.*, and not less than 10*l.*, as the said justice upon such person; one moiety thereof to be paid to the keeper of the place employed for the confinement of offenders under transportation, as aforesaid."

When any person shall be convicted at any session of oyer and teneat, or at any quarter or other general session to be holden for any county, riding, division, city, borough, or town, within that part of Great Britain called England, or at any session to be holden for the county palatine of Chester, or the principality of Wales, of any crime punishable by death, if his lordship be pleased to extend mercy to any such offender upon conviction, or upon condition of imprisonment with hard labour, such intention of mercy shall be signified by one of his principal secretaries of state to the court before whom such offender hath been or shall be convicted, or any subsequent court, with authority, such court shall allow to such offender the benefit of a conditional pardon, and make an order for the imprisonment of such offender, with or without hard labour, as the case may be; and in case of mercy shall be so signified to the judge or justice before whom such offender hath been or shall be convicted, or to any judge of the Court of King's Bench or Common Pleas, or to any baron or justice of the degree of the coif, in England, such judge, justice, or baron shall allow to such offender the benefit of a conditional pardon; and an order for such imprisonment of such offender, in the same manner as if such intention of mercy had been signified to the court in or session in or at which such offender was convicted, such pardon and order shall be considered as an allowance and order made by the court before which such offender was convicted, and entered on the records of the same court by the proper officer, and shall be as effectual to all intents and purposes, and have the same force and effect, as if such allowance and order had been made by the court, and the continuance thereof; and every such order shall

Manner of proceeding in case of extension of mercy to offenders convicted of capital offences.

1. Statutes regulating Transportation, &c. Offenders.

11 Geo. IV. &
1 Will. IV. c. 89.

Remission of sentence by governors abroad.

Limiting the time for granting pardons, &c. by governors, &c. of colonies.

Other statutes as to.

other place of confinement; and whereas it is expedient that there should be given to his majesty to appoint an assistant or said superintendant, in any such part of his majesty's of England; be it therefore enacted, That it shall be the duty of his majesty, in case it shall be deemed expedient, to appoint a person to be assistant or deputy to such superintendant in any place of confinement out of England named in any order or as aforesaid, to be constantly resident at or near the place shall be appointed."

Stat. 30 Geo. III. c. 47, enables his majesty to authorize the removal of places beyond the seas to which convicts are transported sentence, &c.

By stat. 2 & 3 Will. IV. c. 62, s. 2, "neither the governor of any island, colony, or settlement, or any other person shall give any pardon or ticket of leave to any person sentenced to transportation, or who shall receive a pardon on condition of transportation, or order or permission to suspend or remit the labour of any convict, except in cases of illness, until such person, if transported for fourteen years, shall have served four; if transported for fourteen years, six; or if transported for life, shall have served eight years; and that no such person shall be capable of acquiring or holding any real or personal estate, or of bringing any action for the recovery of any property, until such person shall have duly obtained a pardon from the governor of the colony or settlement in which he or she was confined: provided that nothing herein contained shall affect his majesty's royal prerogative of mercy."

There are also other statutes regulating the imprisonment of convicts in the Penitentiary. (See 50 Geo. III. c. 63, & 1 Will. IV. c. 113.) The 6 Geo. IV. c. 85, regulates the treatment of offenders from St. Helena. The annual Mutiny Act and the Act also contain regulations as to the transportation of military offenders.

II. Offence of Returning from Transportation.

Offender found at large before expiration of sentence.

Punishment.

Persons rescuing prisoners, how punished.

Prosecuting to conviction, reward 20l.

Form of indictment.

By the 5 Geo. IV. c. 84, s. 22, "If any offender who has been sentenced or ordered to be transported, or who shall be so sentenced or ordered to be transported, or who shall have agreed or shall agree to transport or banish himself or herself on certain conditions, either for life or any number of years, or in pursuance of the provisions of this or any former act, shall be after the expiration of the term for which such offender was so sentenced or ordered to be transported or banished, or agreed to transport or banish himself or herself, every such offender being at large, being thereof lawfully convicted, shall suffer the punishment of death, without benefit of clergy; and such offender shall be liable to be apprehended either in the county or place where he or she shall be apprehended, or that from whence he or she was ordered to be transported, or banished, or agreed to transport or banish himself or herself, or if any person shall rescue, or attempt to rescue, or assist, or attempting to rescue, any such offender from the custody of the superintendant or overseer, or of any sheriff or gaoler, or other person conveying, removing, transporting, or re-conveying him or her, or cause to be conveyed, any disguise, instrument for effecting such escape, or arms to such offender, every such offence shall be punished in the same manner as if such offender had been confined in a gaol or prison, and in the custody of the sheriff or gaoler, for the crime of which such offender has been convicted; and whoever shall discover and prove the conviction any such offender so being at large within this kingdom, shall be entitled to a reward of 20l. for every such offender so convicted."

Sect. 23. "In any indictment against any offender for

2. *Offence of returning from Transportation.*

the certificate was in the same form; and the judges, being reserved, held that both were insufficient. (*R. v. & Ry.* 469, 470; *Russ. C. & M.* 402.)

So, in a case upon a statute (56 Geo. III. c. 47, s. 8), the certificate to contain the effect and substance only (formal part) of the indictment and conviction, and ordination, it was held that an indictment which stated that the prisoner had been convicted of felony, without stating the nature of the felony, and a certificate which stated only that the prisoner was convicted of felony, were insufficient, and the prisoner was not entitled to his former sentence. (*R. v. Watson, Russ. & Ry.* 468; *Misd.* 402.)

In a case before the 5 Geo. IV. c. 84, s. 23, where it was stated the condition upon which the royal clemency was to have been general, whereas it appeared not to have been but specific, viz. that the prisoner should be transported to a specified place, the variance was held to be fatal. (*R. v. Fitzroy, Ry.* 512.)

Identity of prisoner.

If a convict on his trial for returning from transportation time was expired, confess the fact, and acknowledge himself the man, the court will read such confession, but otherwise must be proved, and evidence given of his identity. (*R. v. & Ry.* 408.)

Evidence of the day of prisoner's discharge.

Where the prisoner had received a pardon on condition that he should be *beyond the seas* within fourteen days from the day of his discharge, and it was incumbent on the prosecutor to prove the precise day when the prisoner was discharged, it was holden, that the discharge book of the prison, containing entries of the names of the criminals discharged, and the times when they were discharged, together with the information of the turnkeys, or from the entries on the back of the warrants, was good evidence to prove the day of the prisoner's discharge. (*R. v. Aickle, 1 Leach*, 391, 392) And it was held, that though, if a convict on his trial for returning from transportation before his time was expired, should confess and acknowledge that he is the man, the court would record such confession, yet, no such confession being made, it was necessary to prove the record of conviction, and give evidence of the prisoner's identity. (*P. C. c.* 47, s. 21.)

Evidence of a sign-manual.

When a convict was sentenced to transportation for a term, and received a *sign-manual* promising him a pardon, "on condition of giving a security to transport himself for that period, for a certain number of days," and upon his giving such security was discharged, but neglected to transport himself within the fourteen days, it was held that he could not be indicted for being unlawfully found at large during the term for which he had received sentence of transportation, on the ground that such *sign-manual*, and the recognition given into in consequence of it, were good evidence that he was lawfully at large, although he had not substantially performed the condition upon which the promise of pardon was granted. (*R. v. Miller, 1 Haw. P.* 1 *Leach*, 74; 2 *Bla. R.* 797; 1 *Russ. C. & M.* 403.)

Ill health, &c. when an excuse for not leaving the kingdom.

It was decided in *Aickle's* case (1 *Leach*, 396), that if a convict had, at the time of his discharge, a real intention to quit the country within the time, but was prevented from carrying it into effect by the distress of poverty and ill health, these impediments constituted a lawful excuse.

Being at large in Great Britain after sentence of death, commuted for transportation for life.

In *R. v. Patrick Madan* (1 *Leach*, 223), it was said, that a convict of a capital crime, whose sentence is respited during his life, and who, on having received a pardon on condition of being transported for life, is afterwards found at large in Great Britain, in a lawful cause, shall, on his being indicted for returning from transportation and acquitted, be referred back to his original sentence.

6) — *The jurors for our lady the Queen upon their oath present, that* (2.) Indictment
to wit, at the general quarter sessions of the peace, holden at for a like offence.
order of transportation in the past tense; then proceed thus:]
order still remains in full force and effect, and not in the least re-
de void. And the jurors aforesaid, upon their oath aforesaid, do
not that the said C. D., afterwards, that is to say, after he, the said
is ordered to be transported as aforesaid, and before the expiration
of seven years for which he, the said C. D., was so ordered to be
is aforesaid, to wit, on , feloniously and unlawfully, and
lawful cause or excuse whatsoever, was at large within part of her
cinions, to wit, in that part of Great Britain and Ireland called
wit, at aforesaid; against the form of the statute in such
it provided, and against the peace of our said lady the Queen, her
guilty.

Traverse.

[60 Geo. III. & 1 Geo. IV. c. 4.]

SE took its name from the French *de traverser*, which is no Meaning of.
de transverso in Latin, signifying on the other side; because,
 ment on the one side chargeth the party, so he, on the other
 1 in to discharge himself. (Lamb. 540.)

traverse is only applied to an issue taken upon an indictment Applies to misde-
 meaur; and it should rather seem applicable to the fact of meours only.
 he trial till a following sessions or assizes, than to the joining
 id therefore, perhaps, the derivation is from the meaning of
transverso, which, in barbarous Latin, is to go over, i. e. to go
 sions, &c. to another, and thus it is that the officer of the
 the words whether he be ready to try then or will traverse

60 Geo. III. & 1
Geo. IV. c. 4.

to prevent Delay in the Administration of Justice in Cases of Misdemeanour," indictments for misdemeanours, where the defendant was not actually in custody, were not formerly tried at the assizes or sessions, in which the defendant pleaded to or traversed the indictment; but the practice was to require the defendant to enter into recognizances to appear at the next assizes or sessions, then to try the traverse, giving notice to the prosecutor according to the practice of the particular court in which the indictment might happen to be. (4 Bl. Comm. 351.) But this right of traversing is narrowed by that statute.

60 Geo. III. & 1
Geo. IV. c. 4.

Sect. 1 of that act relates to imparling and pleading to indictments in the Court of Queen's Bench. After reciting that "great delays have occurred in the administration of justice, in cases of persons prosecuted for misdemeanours by indictment or information in his majesty's Courts of King's Bench at Westminster and Dublin, and by indictment at the sessions of the peace, sessions of oyer and terminer, great sessions and sessions of gaol delivery, in that part of Great Britain called England, and in Ireland, respectively, by reason that the defendants, in some of the said cases, have, according to the present practice of such respective courts, an opportunity of postponing their trials to a distant period by means of imparlances in the said several Courts of King's Bench, and by time being given to try in such respective courts of sessions; as a remedy thereof, it enacts, "That from and after the passing of this act, where any person shall be prosecuted in his majesty's Court of King's Bench at Westminster, or in his majesty's Court of King's Bench at Dublin, respectively, for any misdemeanour, either by information or indictment there found or removed into the same respective courts, he shall appear in term time in either of the said courts respectively in person, to answer to such indictment or information, such defendant, being charged therewith, shall not be permitted to imparle to a following term, but shall be required to plead or demur thereto within four days from the time of his or her appearance; and in default of his or her pleading or demurring within four days as aforesaid, judgment may be entered against the defendant for want of a plea; and in case such defendant shall appear to such indictment or information by his or her clerk or attorney in court, it shall not be lawful for such defendant to imparle to a following term, but a rule, requiring such defendant to plead or demur may forthwith be given, and a plea or demurrer to such indictment or information enforced, or judgment by default entered thereupon, in the same manner as might have been done, before the passing of this act, in cases where the defendant had appeared to such indictment or information, by his or her clerk in court, or attorney, in a previous term."

Persons prosecuted in K. B. for misdemeanours, appearing in court, not permitted to imparle.

Judgment may be entered for want of plea.

Court may allow further time to plead.

Persons in custody or held to bail 20 days before sessions, to plead,

unless a certiorari is delivered before jury sworn.

Certiorari may be issued before indictment found.

Sect. 2. "Provided that it shall be lawful for the said respective courts or for any judge of the same respectively, upon sufficient cause shown for that purpose, to allow further time for such defendant to plead or demur to such indictment or information."

Sect. 3 relates to the pleading to indictments at the assizes or sessions. It enacts, "That from and after the passing of this act, where any person shall be prosecuted for any misdemeanour by indictment at any session of the peace, session of oyer and terminer, great session, or session of gaol delivery, within that part of Great Britain called England, or in Ireland, having been committed to custody, or held to bail, to appear to answer for such offence twenty days at the least before the session at which such indictment shall be found, he or she shall plead to such indictment, and trial shall proceed thereupon at such same session of the peace, session of oyer and terminer, great session, or session of gaol delivery, respectively, unless a writ of *certiorari* for removing such indictment into his majesty's Courts of King's Bench at Westminster or in Dublin, respectively, shall be delivered at such session before the jury shall be sworn for such trial."

Sect. 4. "Such writ of *certiorari* may be applied for and issued before such indictment has been found, in the like cases, in the same manner,

session or the peace, session or oyer and terminer, great
m of gaol delivery, respectively, unless a writ of *certiorari*
ch indictment into his majesty's Courts of King's Bench
or in Dublin, respectively, shall be delivered at such last-
m, before the jury shall be sworn for such trial, any law
contrary notwithstanding."

Unless certiorari
delivered as herein
mentioned.

vided that nothing in this act contained shall extend, or
extend, to prevent any indictment, found by a grand jury
own corporate, from being removed, at the prayer of any
ial by a jury of the county next adjoining to the county of
n corporate, pursuant to the provisions of an act passed
hth year of his present majesty's reign, intituled 'An Act
'Trial of Causes, Indictments, and other Proceedings,
in the Counties of certain Cities and Towns Corporate
rdom;' and upon such removal, the defendant shall plead,
ll be had according to the provisions of this act, in like
ch indictment had been originally found by a grand jury
oining county."

Proviso for remov-
ing indictments
found by grand
jury to an adjoin-
ing county to be
tried.

58 Geo. III. c. 52.

vided that it shall be lawful for the court, at any session
sion of oyer and terminer, great session, or session of
spectively, upon sufficient cause shown for that purpose,
time for pleading to any such indictment, or for trial of
e post, "Trial.")

Court may allow
further time for
pleading, &c.

all cases of prosecutions for misdemeanours, instituted by
orney or solicitor general, in any of the courts aforesaid,
if required, make order that a copy of the information or
be delivered, after appearance, to the party prosecuted,
court, or attorney, upon application made for the same,
ense to the party so applying; provided that such party,
ourt, or attorney, shall not have previously received a copy

In prosecutions by
attorney-general,
&c. copy of infor-
mation, &c., deli-
vered gratis.

vided that in case any prosecution for a misdemeanour,
is majesty's attorney or solicitor general in any of the
l, shall not be brought to trial within twelve calendar
ter the plea of not guilty shall have been pleaded therein,
d for the court in which such prosecution shall be demand

If prosecution be
brought to trial
within twelve
calendar months,
court may make
order thereon.

Right to.

are, on the finding of the indictment, bound to plead and like parties charged with felony. And, where an indictment found at a former sessions, and the party has been afterwards bailed, or received notice of the indictment twenty days before the next session, he is bound at such session to plead and try, or of *certiorari* first remove the proceedings. But this, as *supra*, sect. 10, does not apply to prosecutions for the bridges or highways, which are subject to traverse, as before (*Talf. Dick. Sess. 333.*)

With this exception, the right to traverse an indictment at the sessions is now confined to parties who have not been out on bail twenty days, in respect of the charge; and to traverse an indictment previously found is confined to such parties who have received twenty days' notice of the indictment pending against them. In these instances, the right remains; and it may be proper that this right exists, although the party may have been in custody on a charge arising out of the same transaction, the accusation is altered, as if he were committed for felony found for misdemeanour, for the words of the fifth section of the Act of 1793, "offence." This point arose in the case of *The King v. Wakefield*, at the Lancaster spring assizes, 1827. The defendant was committed more than twenty days before the assizes for a felony, and at the assizes, it was thought right to indict him jointly with another for misdemeanour; and Mr. Justice Park, after much consideration, held that he had a right to traverse. (*Talf. Dick. Sess. 334; 1 Mood. & Rob. 503; R. v. James, 3 C. & P. 222.*)

So also, where he is indicted for a different misdemeanour than that for which he has been committed or held to bail more than twenty days, he is entitled to traverse. (*Reg. v. Howell, 9 C. & P. 437.*)

Where the defendant has neither been in custody nor has he been held to bail, the court may not force the prosecutor on to trial at the same assizes or sessions. (*v. Trenfield, 9 C. & P. 284.*)

A defendant arrested during the same assizes at which he has been found, cannot be discharged on bail without pleading guilty. (*Reg. v. Wettenhall, 2 M. & Rob. 291.*)

Mode of traversing.

The mode of traversing is, for the defendant to come into court and bring with him two sufficient sureties, and then to deliver proper additions, to the clerk of the peace, who reads them to the defendant, which the defendant pleads "Not guilty." The clerk of assize on the circuit, then calls upon the party to enter into a recognizance before the court to appear, or to traverse at the next assizes or sessions, as the case may be, without leave on that occasion. (*4 Bla. Com. 351; 1 M. & Rob. 503.*) The principal and his bail then signify "that they are content." (*Talf. Dick. Sess. 335.*)

Notice of trial.

When the defendant is anxious to try the charge against him, he must serve the prosecutor with a notice of his intention to prosecute or to traverse, according to the practice of the court. (*See R. v. Car. & P. 576.*) In general such notice should be served on the prosecutor at least eight days before the assizes or sessions, and for the sessions of the peace, and eight days before an adjournment. But the practice is different in different counties and places.

But the justices at the sessions may fix as a general rule, that the notice should be sufficient. (*4 Bla. Com. 351, n. 5.*)

The notice should be signed by the defendant himself, or by his attorney. (*1 Chit. C. L., 2nd ed. 488, a.*)

Where the defendant is indicted before the justices of the peace, the notice should specify in substance the nature of the charge. (*Cro. C. C. 21.*)

The notice should be served personally on the prosecutor, or on his attorney. (*21.*)

But this notice is not a condition precedent to the traverse.

met for the trial of the traverse: he should be prepared with ^{trial.}
of the service of the above notice of trial.

When defendant is at the bar, the clerk of the peace reads the indictment to the jury, and then says, "to which indictment the defendant is not guilty. Your business, gentlemen, is to inquire whether or not guilty, and hearken to your evidence." Then the usual proclamation; and, if the prosecutor appears, the *h.* (*Dick. Sess.* 336.)

When the defendant does not appear according to the notice, the defendant is the prosecutor being (*by the crier*) called to come and give evidence. The chairman addresses the jury thus: "Gentlemen, A. B. is charged for making an assault upon Z. Y. (*or as the offence is*;) he is to prove that he is guilty, and therefore you must acquit thereupon the jury, being asked (*by the clerk of the peace*), "Is the defendant guilty or not guilty," say, "Not guilty." 36.)

If the prosecutor could not be met with, so as to serve a notice of trial, there must be an affidavit of the endeavours to do it, and the court may be moved on such affidavit to respite the recognizances, and adjourn to the next session or assize.

When granting such application, will make an order at the same time for a new notice, left at the last place of the prosecutor's office of the clerk of the peace, with certain conditions of notification, as to the said court shall seem necessary, shall

These terms imposed by the court being complied with, the defendant must make out a *cessure*, enter his traverse, and be prepared to obey the order, and of the acts done in conformity with it, to the next ensuing sessions; when, if the prosecutor again fail to appear, the jury will be sworn, and an acquittal directed. (*Dick. Sess.*

If the defendant has traversed the indictment, and entered into a recognizance to appear, enter, and try, he cannot, by rendering himself to the charge of his bail, procure himself to be tried at the next assize under the commission of gaol delivery, in order to save the service he would be liable to pay, because the condition of the recognizance is not fulfilled without entering his traverse. (*1 Leach.*

Where prosecutor cannot be met with.

Defendant cannot render himself to prison to obtain an earlier trial, &c.

Forms.

(2.) Defendant's notice of intention to try traverse.

Mr. A. B.,

Take notice, that I intend to appear at the next general [or, quarter"] sessions of the peace to be holden at [or "to be holden byed at"] the Guildhall, in , in and for the county of M., on the day of , by o'clock in the forenoon of the same then and there try my traverse upon the indictment which you have against me for ["assaulting"] you.

Dated, &c.

To A. B., of .

The Queen on the prosecution of A. B.
against
C. D.

(3.) Affidavit of service thereof.

The Queen
against

C. D., on the prosecution of A. B. for an assault.

Middlesex. A. B., of &c., [attorney] for the defendant in this process maketh oath that, on the day of &c., he, this deponent, did serve the said A. B. with a true copy of the notice hereunto annexed [and, at the same time, did inform the said A. B. of the contents of the same]; and this deponent believes that such notice hath not been demanded.

Sworn at the [New Sessions House],

this day of , 18 .

By the Court.

(4.) Record of traverse.

Forasmuch as in the record of one traverse there is at once disclosed the style of the sessions, the indictment, the process to answer, the traverse, the verdict and judgment thereupon, the process of execution, the parties, and the assessment of their fines, so that it alone may serve for all, it is judged requisite to insert the same, as follows :—

Style of the sessions.

Somerset. } Heretofore, to wit, at the sessions of the peace at Bridgwater, in the county aforesaid, on the Tuesday next before the feast of St. Matthew the Apostle, in the year of our Lord , before K.P., Esqs., and other their associates, justices of our lady the Queen, to keep the peace in the county aforesaid, as also to hear and determine felonies, trespasses, and other misdemeanours, in the same county committed, the oath of twelve jurors, it is presented, that John Long, of

The indictment.

, and T. L., of , with divers others unknown, evil doers and disturbers of the peace of our said lady the Queen, in a warlike manner joined, and assembled, on the day of , in the night of the same, in the year aforesaid, with force and arms, to wit, with swords, staves, guns, and other arms, as well offensive as defensive, at the house of W. Willett (called B.), unlawfully, riotously, and routously broke a door open, and carried away eight waggon-loads of hay, to the value of , then and there the goods and chattels of the said W. W. then and there unjustly and took and carried away; against the peace of our said lady the Queen, the form of the statute in that case made and provided: whereupon it was commanded to the sheriff that he should not omit for any liberty within his bailiwick but cause them to come to answer. And afterwards, to wit, on the day aforesaid next before the feast of St. Matthew the Apostle, in the year of our Lord , before the aforesaid justices, came the aforesaid J. L., R. M., and T. L., in their proper persons; and, having had the hearing of the aforesaid, severally say that they are thereof not guilty, and of themselves upon the country; and Adam Martin, who for our lady the Queen this behalf prosecutes, in like manner doth the same. Therefore let thereupon a jury before the justices of our said lady the Queen, assign a day for the peace in the county aforesaid, and also to hear and determine, at the sessions of the peace at Wells, &c., on the Tuesday next after the feast of St. Michael our Lord, then next to be holden, and who are not of kin to the said J. L., R. M., and T. L., nor to any of them, to recognize upon their oath whether J. L., R. M., and T. L., are guilty of the crime charged in the indictment; because as well the said Adam Martin, who prosecutes for the

Process to answer.

Traverse.

Jury.

Treason, 301.

Treason, 305.

Division of Treason, 306.

harging, &c., Fire Arms, &c., at the Queen, 306.

is, 307.

I. High Treason.

[, according to Lord Coke, is derived from *trahir*, to betray; Meaning of the
by construction, *treason*, is the betraying itself. (3 Inst. 4.) word treason.
ided, not of petit treason, but of

fore, there are no accessories, but No accessories in.
soever act or consent will make a
done, the same will make him a
t. 9, 21.)

spriſion of treason are not within Power of justices
peace, yet, inasmuch as they are therein.
he realm, any justice of the peace
or the complaint of others, cause
such offence. And such justice
so apprehended, and the informa-

1. *High Treason.*

tion of all those who can give any material evidence against him, and put the same in writing, and also bind over such who are able to give any such evidence, to the Queen's Bench or gaol delivery, and certify his proceedings to such court. (2 *Haw. c. 8, s. 34*; *Hale's Sum.* 168; 1 *Hak.* 372.)

Bail.

And having committed the offender (for he is by no means bailable by justices of the peace, 3 *Edw. I. c. 15*; 2 *Haw. c. 15, s. 44*), it may be advisable for him to send an account immediately of all the particulars to the secretary of state.

Treason by the 25 *Edw. III.*

By the 25 *Edw. III. st. 5, c. 2*, which Lord *Hale* calls a sacred act, and Lord *Coke* an excellent act, and the king who made it a blessed king, to the parliament a blessed parliament, all treasons which had been made before were settled. Which act, by the 1 *Mary, sess. 1, c. 1*, is repealed and again made the only standard of treason; and all statutes, before the said statutes of the 25 *Edw. III.* and 1 *Mary*, which made any offence high or petit treason, or misprision of treason, are abrogated; so that offence is at this day to be esteemed high treason, unless it be either declared to be such by the said statute of the 25 *Edw. III.*, or made so by some statute since the 1 *Mary*.

And therefore I shall first consider such offences as are high treason within the said statute of the 25 *Edw. III.*, and then such as are high treason by statutes subsequent to the said statute of the 1 *Mary*.

The words of the statute of the 25 *Edw. III.*, as to this matter, are as follow:—

“Whereas divers opinions have been before this time in what case treason shall be said, and in what not [that is, what shall or shall not be said to be treason]; the king, at the request of the lords and commons, hath made a declaration in the manner as hereafter followeth: that is to say, when any man doth compass or imagine the death of our lord the king, or of our lady his queen, or of their eldest son and heir,” [which words extend to the case of a queen regnant, *R. v. Oxford*, 9 *C. & P.* 525. As to what are overt acts of compassing the queen's death, see *Arch. Crim. L.* by *Jervis*, 9 ed. 496.]

“Or if a man do violate the king's companion [that is, his wife, 3 *Inst.* or the king's eldest daughter unmarried, or the wife of the king's eldest son and heir;”

“Or if a man do levy war against our lord the king in his realm.” (See *v. Frost*, 9 *C. & P.* 129, and the decision and law in *Jervis*, *Arch. C.* 9 ed. 500.)

“Or be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere.” (See *Jervis*, *Arch. C. L.* 9 ed. 1.)

“And thereof be probably [proveablement, proveably] attainted of treason by deed, by the people of their condition.”

“And if a man counterfeit the king's great or privy seal, or his man, and if a man bring false money into the realm, counterfeit to the money of England, knowing the money to be false.” [But this treason as to the counterfeit money is now punishable under the 1 *Will. IV. c. 66, s. 2*, and 1 *Vict. c. 84, s. 1*. See “*Forgery*,” Vol. II.; and as to the coin is punishable under 2 *Will. IV. c. 34*. See “*Coin*.”]

“And if a man slay the chancellor, treasurer, or the king's justice of the one bench or the other, justices in eyre, or justices of assize, and other justices assigned to hear and determine, being in their places, do their offices.”

“And it is to be understood, that in the cases above rehearsed, it shall be judged treason which extends to our lord the king, and his royal majesty.”

By 1 *Mary, sess. 1, c. 1.*

And by the statute of the 1 *Mary, sess. 1, c. 1*, which Lord *Hale* (1 *Hak.* 308) calls another excellent law, “No act, deed, or offence, being by act of parliament made treason, by words, writing, ciphering, deeds, or otherwise whatsoever, shall be adjudged to be treason, but only such as be declared

reason is a principal traitor (there being no accessaries in it being principals); and yet such person doth not act but nevertheless, at this day, it seems clearly to be agreed, that in law and the statute of Edw. III., words spoken amount to a misdemeanour, and no treason. (4 Bla. Com. 80.)

Words which import a compassing of the queen's death are not acts of this species of treason, if published; (1 Hale, 118; Post. 198; 1 Hawk. c. 17, s. 31;) as, for instance, writings or words to kill the queen, (R. v. Twyn, Kel. 22,) or the like. So, words of persuasion or persuasion are sufficient overt acts of this species of treason, if they advise or persuade to an act which would of itself (if done) be a sufficient overt act. (Post. 195, 200; R. v. Charnock, 2 Salk. 631.) So, words may be laid in the indictment as an overt act; as, for instance, an act seemingly innocent in itself but to be an overt act of treason, by its connection with words spoken by the party at the time. (1 Hale, 115; and see R. v. Parkyns, 1657; R. v. Crokagan, Cro. Car. 332; R. v. Lee, 7 St. Tr. 401; Law, by Jervis, 9 ed. 497.)

A prisoner is not bound to show what was the object or meaning of his words; by him; it is for the Crown to make out that they amount to treason as charged in the indictment. (Reg. v. Frost, 9 C. & P. 129.)

Geo. III. c. 7, s. 1, "if any person or persons whatsoever, at or after the passing of this act, during the natural life of our sovereign lord the king (whom Almighty God preserve with a long and prosperous reign), and until the end of the next parliament after the demise of the Crown, shall, within the realm, compass, imagine, invent, devise, or intend death or any bodily harm tending to death or destruction, maim or imprisonment or restraint of the person of the same our sovereign lord the king, his heirs and successors;"

"or to deprive or depose him or them from the style, honour, or kingly office or imperial crown of this realm, or of any other of his majesty's countries;"

or to do any such thing against his majesty his heirs and successors within

Writings may be.

So words of persuasion.

Prisoner not bound to explain his acts.

Treasons within the statute. 36 Geo. III. c. 7

1. High Treason.

person and persons, so as aforesaid offending, shall be de and adjudged to be a traitor and traitors, and shall suffer and also lose and forfeit as in cases of high treason."

By the 57 Geo. III. c. 7, s. 1, the provisions of th which relate to the heirs and successors of his majesty, t these realms, are made perpetual.

Inducing soldiers
to desert.

As to the offence of inducing soldiers to desert, see " Vol. III.

Prosecution to be
in three years.

By the 7 Will. III. c. 3, no person shall be prosecuted but within three years after the offence committed; exce designing to assassinate the king's person.

Trial to be the
next term.

And by the 31 Car. II. c. 2, persons committed for hi be indicted the next term, or next assize; otherwise the bail, unless it appear to the court, upon oath, that the king could not be produced in that time; and, in such ca indicted the second term or assize, or else discharged.

Not triable at the
sessions.

By 5 & 6 Vict. c. 38, s. 1, no treason, misprision of tr against the queen's title, prerogative, person, or govern either house of parliament, is triable at any quarter sessi

Copy of indict-
ment.

By the 7 Will. III. c. 3, s. 1, persons indicted for high t corruption of blood shall be made, or for misprision (except for counterfeiting the coin, the great seal, privy s or sign manual), shall have a copy of the indictment (b of the witnesses) delivered to them five days before the t

Lists of jurors
and witnesses.

Sect. 7. And they shall have copies of the panel of the to them two days before trial.

And moreover, the 7 Anne, c. 21, s. 11, enacts, that a the person pretending to be king of England by the na Third, when a person is indicted for high treason or misp both a copy of the indictment and lists of the jurors, witnesses, shall be delivered to the party indicted, ten day

But this right to have a copy of the indictment, with nesses and jurors, is, by the 39 & 40 Geo. III. c. 93, and s. 1, taken away in cases of high treason in compassing death or destruction, or any bodily harm tending to the c tion, maiming or wounding, of the queen, and of mis treason, where the overt acts alleged in the indictme attempt to injure her person, in which cases the prisoner same manner, and upon the like evidence, as if charged

A bill of indictment for treason was found on the 11th c the 12th, copies of the indictment and of the jury pane to the prisoner, and on the 17th a copy of the list o delivered to him. The prisoner was arraigned on the 31 and pleaded: and upon the first witness being called f was objected that the list of witnesses had not been deli to the statute. Upon a case reserved, it was holden by six, that the delivery of the list was not a good delivery but it was also holden, by a like majority, that the objec after plea pleaded. And it was agreed by all the judges jection had been taken in due time, the only effect of it w postponement of the trial, to give time for a proper del (*Reg. v. Frost*, 2 *Mood. C. C.* 140; 9 *C. & P.* 129.)

Witnesses for
defence.

The 7 Will. III. c. 3, s. 1, allows them to make their nesses on oath, and they shall have process of court witnesses to appear.

Two witnesses.

And, by sect. 2, they shall not be attainted but on witnesses, either both of them to the same overt act, or one and the other of them to another overt act of th

h treason, as the law now stands, the sentence or judgment
 law to be pronounced or awarded against persons convicted
 guilty of the said crime, in such cases, is, that they should
 an hurdle to the place of execution, and there be hanged by
 not until they are dead, but that they should be taken down
 at when they are yet alive their bowels shall be taken out
 fore their faces, and that afterwarde their heads should be
 their bodies, and their bodies be divided into four quarters,
 ds and quarters to be at the king's disposal: and whereas it
 in the said cases of high treason to alter the sentence or
 w required by law:" it is enacted, "That in all cases of high
 hich, as the law now stands, the sentence or judgment or-
 w is as aforesaid, the sentence or judgment to be pronounced
 from and after the passing of this act, against any person
 adjudged guilty, shall be, that such person shall be drawn
 o the place of execution, and be there hanged by the neck
 rmon be dead; and that afterwards the head shall be severed
 y of such person, and the body, divided into four quarters,
 eed of as his majesty and his successors shall think fit."
 In case his majesty or his successors shall so think fit, his
 successors, after such sentence or judgment shall be pro-
 awarded, may by warrant under his or their sign manual,
 d by one of his majesty's principal secretaries of state, declare
 r their will and pleasure, and may direct and order that such
 resaid shall not be drawn, but shall be taken in such manner
 . warrant shall be expressed, to the place of execution, and
 son shall not be there hanged by the neck, but that instead
 head shall be there severed from the body of such person
 and in such warrant may direct and order how and in what
 ody, head, and quarters of such person shall be disposed of;
 e lawful for the sheriff or other person or persons to whom
 . shall be addressed, and whom it shall concern, to carry the
 scution accordingly."

Form of sentence
 in case of high
 treason.

His majesty may
 alter sentence.

at judgment of a woman for high treason was to be drawn Ancient punish-
 (2 Inst 211) But by the 30 Geo III c 48 s 1 women ment of women.

2. *Petit Treason.*

Forfeiture.

Accessory.

Petit treason to be treated in all respects as murder.

to the place of execution, and there hanged by the neck t
(2 *Haw. c. 49, s. 5.*)

The consequence of attainder is, forfeiture of lands (to fee), and of goods; loss of dower; and corruption of blood, 46, s. 1. See "*Attainder*," Vol. I.; "*Forfeiture*," Vol. II.

Although there can be no accessaries in high treason, treason there may be accessaries, both before and after. (

By the 9 Geo. IV. c. 31, s. 2, "every offence, which by the commencement of this act would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and every person guilty in respect thereof, whether as principals or as accessaries, shall be dealt with, indicted, tried, and punished as principals and murderers." (See "*Homicide*," Vol. III.)

III. *Misprision of Treason.*

Misprision, what.

Misprision cometh of the French word *mepreis*, which signifieth neglect or contempt; and misprision of treason, in legal signification, signifieth, when one knowing of any treason, though he consenter to it, yet conceals it, and doth not reveal it in court. (3 *Inst. 36*; 1 *Hale*, 371.)

Judgment.

The judgment of misprision of treason is, to be imprisoned for ever, and to forfeit all his goods for ever, and the profits of his lands. (3 *Inst. 36.*)

Caution.

Every man, therefore, that knoweth a treason, ought to reveal it to the king, his privy council, or other magistrate. (3 *Inst. 36.*)

Misprision of petit treason.

But it seemeth that misprision of petit treason is not the same as misprision of high treason, but only is punished by imprisonment, as in the case of misprision of felony.

In *East's P. C.*, Vol. I., from p. 37 to 140, will be found a very full and satisfactory treatise on this crime.

IV. *Discharging or Aiming, &c., Fire-Arms, &c., &c.*

Discharging or aiming fire-arms, or throwing or using any offensive matter or weapon, with intent to injure or alarm her majesty.

By 5 & 6 Vict. c. 51, s. 2, it is enacted, "That from and after the passing of this act, if any person shall wilfully discharge any gun, pistol, or any other description of fire-arms or whatsoever, whether the same shall or shall not contain any explosive or destructive material, or shall discharge or cause to be discharged, any explosive or material near to the person of the queen, or if any person shall strike or strike at, or attempt to strike or to strike at, the queen, with any offensive weapon or in any other manner, or if any person shall wilfully throw or attempt to throw any matter, or thing whatsoever at or upon the person of the queen, or with intent in any of the cases aforesaid to injure the person of the queen, or with intent in any of the cases aforesaid to break the public peace, or the public peace may be endangered, or with intent in any of the cases aforesaid to alarm her majesty; or if any person shall, near to the person of the queen, wilfully produce or have any gun, pistol, or any other description of fire-arms, or other arms whatsoever, or any explosive, or dangerous matter or thing whatsoever, with intent to use the same to injure the person of the queen, or to alarm her majesty, or if any such person so offending shall be guilty of a high misdemeanor, and being convicted thereof in due course of law, shall be liable to the discretion of the court before which the said person shall be brought, to inflict on him such punishment as the court shall think fit."

Punishment.

the jurors aforesaid unknown, did compass, imagine, devise, and
 our said lady the Queen from the royal state, title, power, and
 his realm, and from the style, honour, and kingly name of the
 thereof, and to bring and put our said lady the Queen to death;
 reasonable compassing, imagination, device, and intention, then
 ously and traitorously did express, utter, declare, and evince, by
 ts and deeds hereinafter mentioned (that is to say), in order to
 and bring to effect his most evil and wicked treason, and treason-
 , imagination, device, and intention aforesaid, he, the said C. D.,
 aitor as aforesaid, afterwards, to wit, on the said , and on
 ys, as well before as after, with force and arms, at the parish
 he county aforesaid, maliciously and traitorously did conspire,
 , and agree with one A. B., E. F., and divers other false traitors,
 bresaid unknown, to raise, levy, and make insurrection, rebellion,
 this kingdom, against our said lady the Queen, and, further to
 and bring to effect, his most evil and wicked treason, and treason-
 , imagination, device, and intention aforesaid, he, the said C. D.,
 aitor as aforesaid, afterwards, to wit, &c. &c. [stating other
 conclude thus:] in contempt of our said lady the Queen and her
 l example of all others in the like case offending, contrary to the
 glance of him, the said C. D., against the form of the statute in
 and provided, and against the peace of our said lady the Queen,
 dignity. (See a variety of forms, 2 Chit. C. L. and Jervis's
 Law, 9th ed. 495.)

Treasure Found.

Treasure trove,
what.

TREASURE trove, or treasure found, is where any money, silver, plate, or bullion, is found hidden in the earth, or place, the owner thereof being unknown; in which case, belongs to the queen, (or to some other by the queen's grant) : but if he that hid it be known, or afterwards found out, and not the queen is entitled to it. (1 *Bla. Com.* 295.)

Also, if it be found in the sea, or upon the earth, it doth belong to the queen, but to the finder if no owner appears. So that the hiding, not the abandoning of it, that gives the queen a property.

This difference arises from the different intentions which imply in the owner. A man that hides his treasure in a secret place doth not mean to relinquish his property, but reserves it, claiming it again when he sees occasion; and, if he dies, and his estate also dies with him, the law gives it to the queen, in part as a revenue. But a man that scatters his treasure into the sea, or upon the public surface of the earth, is construed to have absolutely abandoned his property, and returned it into the common stock, without intention of reclaiming it; and therefore it belongs, as in a state of nature, to the first occupant or finder, unless the owner appear and as to which then proves that the loss was by accident, and not willfully to renounce his property. (1 *Bla. Com.* 295.)

Taking treasure
trove, not felony.

Larceny cannot be committed of such things whereof no determinate property, though the things themselves are capable, as of treasure trove, or wreck, till seized; though the taking of them in point of franchise may have a special action against the taker. (1 *Hale*, 510.)

But finable.

The punishment for concealment of treasure trove is by imprisonment. (3 *Inst.* 133.)

The coroner may
inquire thereof.

And it belongeth to the coroner to inquire thereof. (*Id.*) Concerning which it is enacted by the 4 Edw. I. st. 2, that the coroner ought to inquire of the places where treasure is said to be found. And it is enacted in the same statute, that the coroner ought to inquire of the persons who are the finders, and likewise who is suspected that he may be well perceived, where one liveth riotously, haunting taverns, and doing so of long time; hereupon he may be attached for this sum of six, or more pledges, if they may be found. (See further Vol. II.)

Also the sheriff
in his torn.

Also, it seems to be agreed, that all seizures of treasure trove belong to the queen, may be inquired of in the sheriff's torn. It is questionable, whether a prescription in a court leet, to inquire of seizures belonging to the lord of it, being a subject, be good; but it is against the general rule of the law for the leet to take cognizance of trespasses done to the private damage of the lord, because it makes him his own judge. (2 *Haw. c.* 10, s. 57.)

Treasurer. See "County Treasurer," Vol. I.

Trees, Injuries to, see "Malicious Injuries to Property," Vol. V.;—Stealing of, see "Larceny," Vol. III.;—Burning, Vol. I.

the sessions ensuing. Upon this motion, the court will in which such second notice will be declared to be valid. V tained, the defendant should serve a copy of the order another notice, at the place of residence which it mentions; take out a venire, enter his traverse, and be prepared with davit, stating the order, the notice, and the service, to produce sessions; when, if the prosecutor still neglects to appear, direct the defendant to be acquitted. (Cro. C. C. 21; 1 C

Besides the respiting of the recognizance, which is in the after the attempt to serve the first notice, the same indictment frequently be granted, on motion, upon indictments for nuisances on highways to continue in bad repair, in order to give the opportunity of removing the causes for which they are indicted. obtain the certificate of magistrates that they have done the defendants will, in general, merely be subject to a non Sess. 140.) The reason for this practice is, that such practice is carried on rather for the suppression of public grievances than punishment and example of offenders; and all the ends of justice are sufficiently answered by a removal of the ground of the prosecution.

Steps preparatory to trial.

Steps preliminary to.]—At the assizes, the defendant must go before the clerk of assize, and take out a copy of the indictment drawn out of record, for which he is to pay after the rate of the custom. At the same time, he must also sue out a venire to return a jury, which the clerk is empowered to award. When the venire is procured, it must be delivered to the under-sheriff, who is to obtain his subpoenas for witnesses from the same officer. When the jury is procured, it must be delivered to the under-sheriff, who is to obtain his subpoenas for witnesses from the same officer. When all these requisites have been procured, the traverse must be duly entered with the judge's marshal; and when form has been complied with, the defendant has no right to delay the trial. (1 Leach, 111; Cro. C. C. 9.)

The proceedings at the sessions are similar, except that the officers differ, the clerk of the peace being substituted for the clerk of assize; and, formerly, the subpoenas of the latter run only in the same county, if the witnesses resided beyond it, applications for subpoenas being made to the Crown-office; (Cro. C. C. 21;) but this has been altered by the Statute in that behalf made, 1 Geo. IV. c. 27, s. 1, which directs that the clerk of the peace may issue subpoenas for witnesses residing in any part of the kingdom, and that the same may be served on the witnesses in any part of the kingdom.

must be made, stating the names and places of abode of the absent witnesses, and that they are material to the prosecution or defence. (8 *Best*, 35, 6, 33; *Fost.* 2.) Affidavits in corroboration may be filed. (1 *Kenyon's Rep.*

Putting off.

356.) It is, in general, necessary in the affidavit of the absence of witness, to state at what time his return may be expected; (1 *Bla. Rep.* 514; *Bac. Abr. Trial, H.*;) but this may be, in some cases, dispensed with, if he is on board a ship in her majesty's service, in which case making the affidavit cannot swear this, because he is ignorant of the instructions given to the commander. (1 *Barnard*, 39; *Bac. Abr. Trial, H.*) And it seems, that an affidavit, stating the witness is not expected till a particular day, is sufficient, it being an implied assertion, that he is expected at that time. (1 *Chit. Rep.* 730, n.; 2 *Chit. Rep.* 411, S. C.) In civil cases, it is not necessary to mention in the affidavit the name of the witness. (2 *Dow. & Ry.* 420; 4 *Dow. & Ry.* 832, notes.) It is said to be necessary for the oath to be positive, that the witness is material, and not merely that the deponent believes him to be so; nothing is more easy than generally to swear to a belief of this description. (1 *Bla. Rep.* 514; *Bac. Abr. Trial, H.* But see *Peake's Rep.* 97.) In some cases, the sources of the proposed required evidence should be stated with punctuality. (4 *Dow. & Ry.* 830.) When there is no ground for suspicion of mere desire to delay, it will be sufficient generally to swear that the absent party is a material witness, without whose evidence the party cannot safely proceed to trial; that he has endeavoured, without effect, to serve him with a subpoena; and that there is a reasonable ground to expect his future attendance. (3 *Burr.* 1513; 8 *East*, 37; *Bac. Abr. Trial, H.*) And the affidavit should also state the notice to the opposite party, and the service of it upon him. But if there is any ground of suspicion, the court will require the circumstances to be specifically stated, on which the application is grounded; that the party absent is a material witness; that the applicant has used all his exertions to procure his attendance; and that there is a reasonable expectation of his being able to attend at the time to which the trial is proposed to be deferred. (1 *Bla. Rep.* 436, 514; 8 *East*, 31, 37; 3 *Burr.* 1514; *Bac. Abr. Trial, H.*) It must, in general, be made by the party applying; (*Barnes*, 437; *Bac. Abr. Trial, H.*;) though, in some cases, his attorney, (*Peake*, N. P. 97) or a third person, have been allowed to do it in his stead, as if he were abroad, or unable to appear. (*Barnes*, 448; *Bac. Abr. Trial, H.*)

Time of making application for.

The application should regularly be made two days at least before the intended trial; (*Barnes*, 437, 442, 444;) but when the necessity of the witness was not known until afterwards, it may be applied for at a later period. (*Barnes*, 452; *Peake*, N. P. 97; 1 *Esp. Rep.* 125; *Bac. Abr. Trial, H.*) When the application is delayed till the trial is called on, a motion must be made by counsel, and the prosecutor will be entitled to the costs of the day upon the delay being conceded. (1 *Esp. Rep.* 125; 1 *Chit. C. L.* 494.)

Till when put off.

When the motion is granted, it is seldom for more than the next term or the ensuing assizes. But, upon the particular circumstances of the case, the court will make a rule for putting off the trial of an issue to some more distant time of decision. (*Bac. Abr. Trial, H.*)

When defendant in custody, bailing him.

If the application is made to the defendant he shall be remanded and detained in custody until the next assizes or sessions; but where the application is made by the prosecutor, it is in the discretion of the court either to detain the defendant in custody, or admit him to bail, or to discharge him on his own recognizances. (*R. v. Beardmore*, 7 C. & P. 497; *R. v. Parish*, *Id.* 782; *R. v. Osborn*, *Id.* 799; *Reg. v. Bridgman*, 1 C. & P. 271.) After a bill has been found, if the offence be of a serious nature, the court will not admit the prisoner to bail. (*Reg. v. Chapman*, 1 C. & P. 558; *Reg. v. Guttridge*, 9 C. & P. 228; *Reg. v. Owen*, *Id.* 53; *Reg. v. Bowen*, *Id.* 509.) In *R. v. Palmer*, (6 C. & P. 652,) the judges of the Central Criminal Court postponed until the next session the presentment of a bill for a capital offence to the grand jury, upon the ground of the illness of a witness sworn to be material, and refused to examine her deposition to ascertain whether she deposed to material facts. (*Jerris Arch.* 9 ed. 67.)

itor be not prepared to produce evidence, the defendant
 l. (*Per Lord Ellenborough, in Rex v. Smith, Sittings at
 4 July, 1816.*) And we have seen, that where there are
 entered for trial, to be tried by special juries, they must
 der they stand on the list : and the prosecutor cannot, by
 first record, reverse the order of trial. (1 *Stark. C. N.*

As to the arraignment of the prisoner, and the pro- Arraignment and
 ceedings at the
 trial.
 " *Arraignment.*" Vol. I. Verdict, &c.

Forms.

The Queen
 against
 C. D.

uity Term last an indictment was preferred and found against (1.) Prosecutor's
 ed defendant for certain misdemeanours, in publishing certain notice in Queen's
 dictment you appeared and pleaded not guilty, in person, in Bench of trial
 of Queen's Bench, at Westminster, and you will now take of misdemeanour
 ill be tried upon the same indictment at the sittings of Nin at sittings after
 fter this present Michaelmas term, in the said court at West- term.
 r the county of Middlesex. Dated this day of ,

Yours, &c.,

E. F.,

Attorney for the prosecution.

C. D.,
 & defendant.

(2.) Notice in Queen's Bench by defendant's clerk in court, to defendant's solicitor, that prosecutor has given notice of trial for sittings after term in Middlesex.

In the Queen's Bench.

Sir,—Notice of trial is given by the prosecutor for the sitting of N to be holden after this term in and for the county of Middlesex.

I am, yours, &c.,

*Crown Office,
Jan. 1844.*

Trial.

*The Queen
against
C. D.*

(3.) Notice by clerk in court of defendant, to defendant's solicitor, of the countermand of notice of trial.

In the Queen's Bench.

Sir,—The notice of trial given by the prosecutor for the sitting of N to be holden after this term, in and for the county of Middlesex, is countermanded.

I am, Sir, yours

*Crown Office,
Jan. 1844.*

*The Queen
against
C. D.*

(4.) notice by defendant of trial of traverse.

See form, ante, 300.

(5.) Affidavit of service of.

See form, ante, 300.

(6.) Notice to put off trial for absence of material witnesses.

*The Queen
v.
C. D.*

Take notice, that a motion will be made on the day of instant, or as soon after as counsel can be heard, that the trial of this may be put off until the next summer assizes to be held in and for the county of York, on account of the absence of two material witnesses on behalf of the defendant. Dated this day of , 18 .

*Yours, &c.,
E. F.,*

Attorney for the above-named defendant

*To Mr. G. H.,
Attorney for the prosecutor.*

Trustee. When a competent Witness, see "*Evidence*,"

Cumult. See "*Riot*," "*Petition*," ante, Vol. V

Turnips. Stealing of, see "*Larceny*," Vol. III.;—Injury to Grounds, &c., see "*Malicious Injuries to Property*,"

Turnpike. See "*Highways, Turnpike*," Vol. II

Dig. Usury, C.) But on the general principle already stated, as very clearly laid down, an indictment would lie under the mere fact that the usurious transaction was completed. A very eminent lawyer in A.D. 1814, advised, that in a case of clear and palpable usury might be indicted at common law. (1 *Chit. C. L.* 549, n.) An offence (if so it may be called), the quarter sessions have no jurisdiction to exercise. (2 *Lord Raym.* 1144; *Salk.* 680; 1 *Sess. Cas.* 41; 14.)

At the time for commencing an action by a common informer has been held that the Court of Queen's Bench will not grant an information; because the penalty is then vested only in the Crown, and the attorney-general can institute proceedings to obtain it. (2 *Str.* 1234.)

An indictment, if sustainable, must contain all the requisites of a declaration in usury. The venue is to be laid in the county where the interest was received. (*Pearson v. M'Gowan*, 3 *B. & Cress.* 616, *S. C.* And see the notes and law, 2 *Chit. Plead.* 6th

Sessions no jurisdiction over offence.

Information for, in Queen's Bench.

Form of indictment.

Sec. III. c. 26, the taking more than 10s. per cent. for procuring money to be advanced on a life annuity is made an indictable offence punishable with fine and imprisonment; as is also the procuring of any infant to grant a life annuity, or to promise or otherwise ratify it when he comes of age. This act is repealed by the 53 Geo. III. c. 141, but a similar provision is re-enacted by sect. 9 of that act. In actions under this last-mentioned statute, it is not necessary to state the exact sum stated in the indictment, though not laid with (see *R. v. Gillham*, 6 *T. R.* 265; 1 *Exp. Rep.* 285; *S. C. R. v. Lord Raym.* 149.)

Procurement money.

Uttering. See "*Coining*," Vol. I.; "*Forgery*," Vol. III.

Vacant Possession. See "*Landlord and Tenant*," Vol. III.

Vaccination.

THE statutes of 4 & 5 Vict. c. 29, and 5 & 6 Vict. c. 32, have been recently passed to encourage and extend the practice of vaccination; they will be found noticed under title "*Poor*," Vol. IV.

Vagrants.

[43 Geo. III. c. 61; 52 Geo. III. c. 31; 58 Geo. III. c. 92; 4 Geo. IV. c. 61 s. 7; 5 Geo. IV. c. 13, c. 83; 1 & 2 Vict. c. 38; 2 & 3 Vict. c. 47.]

5 Geo. IV. c. 83.

Former provisions repealed, except as to offences already committed.

Repeal of 32 Geo. III. c. 45, s. 4.

THE act now in force, which consolidates, amends, and repeals the prior statutes relative to vagrants, is the 5 Geo. IV. c. 83: by which is intituled "An Act for the Punishment of Idle and Disorderly Persons and Rogues and Vagabonds, in that Part of Great Britain called England," after reciting the 3 Geo. IV. c. 40, and that the said act was to continue in force until the first day of September, 1824, and no longer; and that it is expedient to make further provision for the suppression of vagrants and for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues, in England; it is enacted, "That all provisions heretofore made relative to idle and disorderly persons, rogues, and vagabonds, incorrigible rogues, or other vagrants, in England, shall be and the same are hereby repealed, except only as to any offence committed before the passing of this act, which shall be punished under the provisions of the said recited act, and save and except as herein otherwise excepted."

Sect. 2. "And whereas by an act passed in the thirty-second year of the reign of his late majesty king George the Third, intituled 'An Act to explain and amend an Act made in the Seventeenth Year of the Reign of his late Majesty King George the Second, intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other Idle and Disorderly Persons, and to Houses of Correction," his majesty's judges of assizes and the justices at the general or quarter sessions, or any justice of the peace, are empowered to order any convict upon his discharge from prison to be conveyed by pass in manner therein directed; and the judge, justices, or justice aforesaid, are also empowered to convey by pass any person who shall be acquitted at the assizes or general or quarter sessions, or discharged by proclamation or otherwise, who shall apply to be conveyed as aforesaid; and whereas doubts have arisen whether such parts of such act as give such power to order such person to be conveyed by pass were by the provisions of the said recited act of the third year of the reign of his present majesty repealed: and whereas it is expedient to remove such doubts:" be it therefore declared and enacted,

[5 Geo. IV. c. 83, s. 20.]

XII. *General Saving and Exemptions from the Vagrant Law,*
p. 327.

[43 Geo. III. c. 61; 58 Geo. III. c. 92; 5 Geo. IV. c. 13, 21.]

XIII. *Forms,* p. 327.

(a) By the 11 Geo. IV. c. 5, the 5 Geo. IV. c. 83, so far as relates to the removal of poor persons born in the Isles of Jersey and Guernsey, and being chargeable to parishes in England, is repealed; and see the provisions of the act of 11 Geo. IV., *ante*, "*Poor*," Vol. IV.

2. Rogues and Vagabonds.

How punished.

Exposing obscene prints, &c. in shop windows, liable, on conviction, to punishment.

Form of conviction and commitment.

which he or she shall have been so apprehended; [see ante sect 15, *post*, 324.]

“Shall be deemed a rogue and vagabond, within the true meaning of this act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him on the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept in labour for any time not exceeding three calendar months; and he shall be furnished with a picklock key, crow, jack, bit, and other implement, and every such offender shall, by the conviction of him, become forfeited to the king’s majesty.”

The 1 & 2 Vict. c. 38, s. 2, after reciting, that “by the said act (5 Geo. IV. c. 83,) it is enacted, that every person wilfully exposing in any street, road, highway, or public place any obscene print, picture, or other indecent exhibition shall, on summary conviction thereof, be liable to punishment as therein provided: and whereas doubts have been expressed whether the exposing to public view in the windows of shops, or in highways, or other public places of any obscene print, picture, or other indecent exhibition, is an offence within the meaning of the said act;” enacts, “That every person who shall expose or be exposed to public view in the window or other part of any building situate in any street, road, highway, or public place any obscene print, picture, or other indecent exhibition, shall be deemed to have wilfully exposed such obscene print, picture, or other indecent exhibition to public view within the intent and meaning of the said act, and accordingly be liable to be proceeded against, and on conviction to be punished under the provisions of the said act.”

The conviction and commitment as a rogue and vagabond must be made in the form above 10th division in 5 Geo. IV. c. 83, s. 4, of the head of the commitment must state that the implements, or some of them, were found upon the prisoner at the time of his apprehension. (*R. v. Brown*, 10 Dowl. N. S. 546, where *Brown* was committed upon the now repealed act, 23 Geo. IV. c. 1, s. 1, having upon him many picklock keys, two crows, and other implements, with an intent feloniously to break and enter into a dwelling-house. *Wentley*. Objection was taken to the commitment, that it did not state that he had those implements upon him when he was apprehended. *Kenyon*, C. J., said, “I yield with great reluctance to the objection, but I am afraid it is well founded;” and the prisoner was discharged.

So, in *Reg. v. Cavanagh*, (1 Dowl. N. S. 546,) a commitment made in the form above stated, the prisoner “did go about and endeavour to procure charitable contributions under a false pretence of being able to abstain from drinking for a period of five years and six months,” was held bad, as not being a sufficient act of vagrancy, and the prisoner was discharged. (*Police*, Vol. V.)

A conviction stating that the offender being a person who was unable to work to maintain his family, did, on, &c., refuse and neglect to do so, whereby his wife, A. N., became chargeable, &c., was held good. (*Nixon v. Nanney*, 10 Law J. N. S. 134, M. C.; 1 Ad. & E. 100.)

The conviction need not state that the offender was committed by the magistrate, on the magistrate’s own view, or by the confession of the offender, or by the evidence on oath of a credible witness, as prescribed, *post*, 325, does not require it. (*See id.*)

III. Incorrigible Rogues.

Who shall be deemed incorrigible rogues.

By 5 Geo. IV. c. 83, s. 5,—1. “Every person breaking out of any place of legal confinement before the expiration

f former vagrant acts. By the 22 Hen. VIII. c. 12, the be "carried to some market-town, or other place, and end of a cart, naked, and beaten with whips throughout rn, or other place, till his body should be bloody by reaping." By the 39 Eliz. c. 4, s. 3, he was to be "stripped middle upwards, and only whipped till his body should



Search for and Apprehending Offenders, &c.

. c. 83, s. 6, "It shall be lawful for any person whatsoever any person who shall be found offending against this act to take and convey him or her before some justice of the peace to be dealt with in such manner as is hereinbefore directed, or to deliver her to any constable or other peace officer of the place where she shall have been apprehended, to be so taken and conveyed, and in case any constable or other peace officer shall refuse to take such offender into his custody, and to take and convey her before some justice of the peace, or shall not use his authority to apprehend and to convey before some justice of the peace any person who shall find offending against this act, it shall be deemed a felony in such constable or other peace officer, and he shall on conviction be punished in such manner as is hereinafter directed."

Any person may apprehend offenders.

Constables, &c. neglecting their duty

Y

he shall be arrested without warrant, under the above section, as in a dwelling-house, &c., with intent to commit a felony,

pected persons.

Vagrants to be searched, and trunks, bundles, &c., to be inspected.

Money and effects found upon vagrants applied towards expense of apprehending and maintaining them.

Lodging houses, &c. suspected to conceal vagrants, may be searched, and suspected persons brought before a justice.

to have committed any offence against this act, to issue apprehend and bring before him or some other justice person so charged to be dealt with as is directed by this

Sect. 8. "It shall be lawful for any constable, peace person apprehending any person charged with being an derly person, or a rogue and vagabond, or an incorrigib any horse, mule, ass, cart, car, caravan, or other vehicle possession or use of such person, and to take and convey as such person before some justice of the peace, and fo the peace by whom any person shall be adjudged to be a derly person, or a rogue and vagabond, or an incorrigibl that such offender shall be searched, and that his or h bundles, parcels, or packages, shall be inspected in th said justice, and of him or her, and also that any cart, other vehicle which may have been found in his or h use, shall be searched in his or her presence; and it sh the said justice to order that any money which may be or upon such offender, shall be paid and applied for an pense of apprehending, conveying to the house of corre taining such offender during the time for which he or sh committed; and if upon such search money sufficient aforesaid be not found, it shall be lawful for such justice part, or, if necessary, the whole of such other effects th sold, and that the produce of such sale shall be paid and said, and also that the overplus of such money or effects the charges of such sale, shall be returned to the said of

Sect. 13. "It shall be lawful for any justice of the pea tion on oath before him made, that any person hereinbe be an idle and disorderly person, or a rogue and vagabo rigible rogue, is or is reasonably suspected to be harbou in any house kept or purporting to be kept for the recey entertainment of travellers, by warrant under his hand a rize any constable or other person or persons to enter at a house, and to apprehend and bring before him or any ot peace, every such idle and disorderly person, rogue, an incorrigible rogue, as shall be found therein, to be dealt

money as aforesaid, and the said treasurer shall be allowed his account; and in case any such person or persons as aforesaid refuse to enter into such recognizance, it shall be lawful for such constable to commit such person or persons so refusing to the common gaol, and to keep him or them until he, she, or they shall enter into such recognizance, or be otherwise discharged by due course of law."

as to expenses of prosecutions in general, *title "Costs,"*

Constables Neglecting Duty—Obstructing them—Their Expenses.

IV. c. 83, s. 11, "In case any constable, or other peace officer neglect his duty in any thing required of him by this act, or any person shall disturb or hinder any constable, or other peace officer in the execution of this act, or shall be aiding, abetting, or assisting them in the commission of any offence, or shall be thereof convicted upon the oath of one or more justices or witnesses, before one or more justice or justices of the peace, such offence shall be committed, every such offender shall, for each offence, forfeit any sum not exceeding 5*l.*; and in default of payment of such sum so forfeited, the same shall be levied by distress and sale of the offender's goods, by warrant under the hand of one or more justice or justices; and if sufficient distress cannot be found, the offender shall be committed to prison for one or more such justice or justices to certify the same to the court of sessions." *Penalty.*

Officers neglecting their duties, &c.
Obstructing them
Distress.
Commitment.

justices of the peace acting under the powers and provisions and observations as to the form of conviction, *ante*, Decisions as to.

of the title of the act, if not of a substantial kind, will not conviction. (*Nixon v. Nanney*, 10 *Law. J.*, N. S. 134, *Id. & Ell.*, N. S. 747, S. C.)

IX. Appeal.

V. c. 83, s. 14, "Any person aggrieved by any act or determination of any justice or justices of the peace out of sessions, in or execution of this act, may appeal to the next general or assizes for the county, riding, division, or place in and for which the justices shall have so acted, giving to the justice or justices whose act or determination shall be appealed against, notice of such appeal, and of the ground thereof, within seven days or determination, and before the next general or quarter sessions entering within such seven days into a recognizance, with or without bail, before a justice of the peace for the county or place in which the person shall have been convicted, personally to appear and answer the appeal; and upon such notice being given, and such recognizance entered into, such justice is hereby empowered to release a person out of custody; and the court at such general or quarter sessions shall hear and determine the matter of such appeal, and make such order therein as shall to the said court seem meet, and

Appeal to sessions.

Notice.

Recognizance.

Sessions may determine.

9. *Appeal.*

1 & 2 Vict. c. 38.

Persons convicted, being discharged out of custody on having appealed against conviction, and not appearing to prosecute such appeal, may be re-committed.

in case of the dismissal of the appeal, or the affirmance of it, shall issue the necessary process for the apprehension and the offender, according to the conviction."

By the 1 & 2 Vict. c. 38, entitled "An Act to amend an Act made in the 1st year of the reign of his late majesty king George the Fourth, intitled 'An Act for the Punishment of idle and disorderly Persons and Vagabonds in that Part of Great Britain called England,' enacted, "That when any person aggrieved by any act or omission of any justice or justices of the peace out of sessions, in the execution of the said act, shall have appealed against such determination according to the provisions of the said act, thereupon have been discharged out of custody, and shall not personally appear and prosecute such appeal at the next sessions according to the recognizance entered into on such appeal, it shall be lawful for the justices assembled at such general sessions, or for any justice of the peace for the county or place in which such person shall have been convicted, on proof of the fact, and on proof by certificate under the hand of the clerk of the said county or place, or of the person acting as his clerk, that such person so convicted did not personally appear to prosecute such appeal, to issue a warrant for the apprehension and committal of such person for such period of time as, together with the days during which he so convicted shall have been imprisoned (if any) previously to his being charged by reason of appeal, shall complete the full term for which such person was adjudged to be imprisoned at the time of his conviction."

Decisions as to.

As to appeals in general, see "*Appeal*," Vol. I.

A notice of appeal against a conviction under the 5 Geo. IV. c. 83, s. 18, of a party as a rogue and vagabond, for obscenely exposing himself in a place of public resort, with intent to insult a female, is sufficient. (*R. v. Justices of Newcastle upon Tyne*, 1 E. 18.)

Under the 14th section, a subsequent court of quarter sessions has power to give effect to a judgment pronounced at a previous sessions, by issuing process of execution upon a conviction at such previous sessions. And a *mandamus* to the court of quarter sessions will go, commanding them to issue such process of execution, if there has been no delay in making the application, or the applicant has satisfactorily accounted for. (*R. v. Justices of Warwick*, 1 E. 18.)

X. Limitations, &c. of Actions—Treble Costs

Justices, &c. to have treble costs, if judgment be in their favour.

By 5 Geo. IV. c. 83, s. 18, "In all cases where an action is brought against any justice of the peace, constable, or other person, in respect of any matter or thing whatsoever done or commanded by him in the execution of his duty or office under this act, such justice or other person, if he shall have judgment in his favour, shall have treble costs awarded to him by the court, unless the judge shall be satisfied that there was a reasonable cause for such action." [But note 5 Geo. IV. c. 97, s. 1 & 2, the defendant shall in such cases have reasonable costs.]

Limitation of actions.

Sect. 19. "Every such action shall be commenced within six months after the cause of action or complaint shall have accrued; and if any person or persons shall be sued for any thing which he, she or they shall have done in the execution of his, her or their duty or office, he, she or they may plead the general issue, and give the facts in evidence."

General issue.

classes of this nature in general, see "Justices," Vol. III.; "Con-
Vol. I.

11. *Removal of
Convict to
Settlement.*

5 Geo. IV. c. 83.

Removal of a Convicted Vagrant, &c. to his Settlement.

Geo. IV. c. 83, s. 20, "Every person who under the provisions
act shall have been convicted as an idle and disorderly person,
rogue and vagabond, shall be deemed to be actually chargeable to
th, township, or place in which such person shall reside; and such
hall be liable to be removed to the parish of his or her last legal
nt, by the order of two justices of the peace of the division or
which such person shall reside."

Persons convicted
chargeable to
parish in which
they reside.

II. General Saving and Exemptions—Soldiers, &c.

Geo. IV. c. 83, s. 21, "Wherever, by any act or acts of parliament
it is directed that any person shall be punished as an idle and
person, or as a rogue and vagabond, or as an incorrigible rogue,
place specified in such act or acts, and not hereinbefore provided
is act, in every such case, whether such person shall or shall not
mitted any offence against this act, every such person shall be
under the provisions, powers, and directions of this act."

Offenders under
former acts to be
punished under
this act.

43 Geo. III. c. 61, soldiers, sailors, mariners, and the wives of
herein mentioned, are relieved against the penalties of the vagrant
e its provisions, and those of the Annual Mutiny Act, "Military
l. V.)

Soldiers, &c.

XIII. Forms.

Be it remembered, that, on &c., at &c., A. B., of , *in the said*
county, [constable], cometh before me, J. P., one of her majesty's jus-
peace for the said county, and on his oath informeth me, that C. D.,
day of , *at the parish of* , *in the county aforesaid [here*
ct of vagrancy within the meaning of the 5 Geo. IV. c. 83, ss. 3, 4, 5,
319, 320, as thus:] being then and there able wholly to maintain him-
is family by work and by other means, did wilfully refuse and neglect
by which refusal and neglect the wife of the said C. D. and his [two]
id then and there become chargeable, and are now chargeable to the
, in the said county [or as the case may be]; contrary to the
ie statute in that case made and provided.

(1.) Information
against a vagrant.

A. B.

and sworn before me, this day }
, 184 .

To the constable of the parish of , *and to all constables and*
others her majesty's officers of the peace for the said county of ,
and others whom this may concern.

(2.) Warrant to
apprehend there-
on.

uch as A. B., of &c., hath this day made complaint and information
before me, J. P., Esq., one of her majesty's justices of the peace in
the said county, that C. D., of the same parish, [labourer], being a
le to work, and thereby, &c. [here state the offence as it is stated in
nation]; these are therefore to command you, in her said majesty's
thwith to apprehend and bring before me the body of the said C. D., to
to the said complaint, and to be further dealt withal according to law.
if you not. Given under my hand and seal, this day of
r of our Lord one thousand eight hundred and .

13. Forms.

(3.) Examination
of a vagrant on
5 Geo. IV. c. 83,
s. 4.

Conviction
thereon.

The examination of C. D., a rogue and vagabond, taken [ante] before me, one of her majesty's justices of the peace in and for the said county, the day of , in the year of our Lord one thousand eight hundred and . Who on his oath saith, that he was born at [and so trace out the history of his life so far forth as to ascertain his last legal place of settlement]. [The 17th section of the act gives the form of a conviction, ante, 325.]

(4.) Commitment
of an idle and dis-
orderly person.

To the constable of , in the said county, and to the keeper of the house of correction at , in the said county, and elsewhere to which this may concern.

Whereas C. D. was this day duly convicted before me, one of the justices of our lady the Queen, assigned to keep the peace of our said lady the Queen in and for the said county of , and also to hear and determine divers felonies, trespasses, and other misdemeanours, in the said county committed, being an idle and disorderly person, for that he, on the day of the year of our Lord , at , in the parish of , in the said county, did [stating act of vagrancy], contrary to the form of the statute in such case made and provided; and was by me adjudged to be committed for that offence to the house of correction, there to be kept to hard labour for [not exceeding one calendar month], according to the form of the said statute. I am therefore to command you, the said constable, to convey the same C. D. to the said house of correction, and him to deliver to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive the said C. D. into your custody, in the said house of correction, and him there safely keep to hard labour for . And for so doing this shall be your sufficient warrant. Given under my hand and seal, at &c., this day of .

(5.) Commitment
of a rogue and
vagabond.

To the constable of , in the said county, and to the keeper of the house of correction at , in the said county.

Whereas C. D. was this day duly convicted before me, J. P., Esq., one of the justices of our lady the Queen, assigned to keep the peace of our said lady the Queen in and for the said county of , as a rogue and vagabond [or "being an idle and disorderly person"], for that he, the said C. D., on the day of , in the year of our Lord one thousand eight hundred and , at , in the parish of , in the said county, did [state the act of vagrancy of which the offender is convicted], contrary to the form of the statute in such case made and provided; and was by me adjudged to be committed for that offence to the house of correction, there to be kept to hard labour for a space of (a). These are therefore to command you, the said constable, to convey the said C. D. to the said house of correction, and him to deliver to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive the said C. D. into your custody in the said house of correction, and him there safely keep to hard labour for the space of . And for so doing this shall be your sufficient warrant. Given under my hand and seal, at &c., this day of &c.

(6.) Commitment
of an incorrigible
rogue.

Same as the forms, ante, (Nos. 4, 5), mutatis mutandis, stating the commitment to be until the next general [or "quarter"] sessions of the peace, to be then and there forth dealt with according to law. And have you him then there, together with this precept. And for so doing, &c.

(7.) Recognizance
to prosecute a va-
grant at the ses-
sions.

Be it remembered, that on the day of , in the year of the reign of &c., C. D., of , in the said county of , personally came before me, J. P., Esq., one of the justices of our said lady the Queen, and did

(a) If an "idle and disorderly person," not exceeding one calendar month; if a "rogue and vagabond," not exceeding three calendar months.

Veritate. See "*Process*," Vol. V.

entre Inspiciendo. See "*Jurors*," Vol. III.

Indictments, see "*Indictment*," Vol. III.;—in Con-
see "*Conviction*," Vol. I.;—in a Warrant, *post*,
it," p. 355;—Proof as to, see "*Indictment*," Vol. III.

See "*Sessions*," Vol. V.; "*Arraignment*," Vol. I.;
s," Vol. III.;—Proof of, see "*Evidence*," Vol. II.

Verjuice. See "*Excise*," Vol. II.

Vestries.

[58 Geo. III. c. 69; 59 Geo. III. c. 85; 1 & 2 Will. IV. c. 60; 1 Vict. c. 45.]

HEREIN—

- I. *Of Vestries not being Select Vestries, or Vestries held under 1 & 2 Will. IV. c. 60; and herein of the Vestry Clerk, and liability of Vestrymen*, p. 330.
- II. *Of Select Vestries*, p. 339.
- III. *Of Vestries under the 1 & 2 Will. IV. c. 60*, p. 341.

- I. *Vestries not being Select Vestries, or Vestries held under 1 & 2 Will. IV. c. 60, and herein of the Vestry Clerk, and liability of Vestrymen*.

What a vestry meeting, and where held.

What and where held.]—A vestry, properly speaking, is the assembly of the whole parish, met together in some convenient place for the dispatch of the affairs and business of the parish; and this meeting being commonly held in the vestry adjoining to or belonging to the church, it takes the name of vestry, as the place itself doth from the priest's vestments, which are usually deposited and kept there. (*Shaw's Par. c. 17.*)

It may be held in the church itself, (*Wilson v. M'Math*, 3 B. & 241,) or, it would seem, anywhere within its precincts, but not out of them. (*R. v. Justices of Surrey*, 4 Jurist, 1056.) It has been held, however, that a town hall is not an improper place to take a poll, by reason of its being private property, where no person had been prevented from voting on that account. (*Baker v. Wood*, 1 Curteis, 527.)

Select vestry.

By custom a select number of persons may have this right of disposing the affairs and business of the parish, and the assembly of them for that purpose is what is termed a select vestry; and for the law relating to such a vestry, see post, 339. Whenever such vestry exists, the law of the common law vestry has always in practice been considered as superseded. (*Clarke v. King*, 2 Y. & J. 525.)

When held, and how convened.

When held and how convened.]—These meetings are usually assembled according as the exigencies of the parish require; and though formerly considered fit and proper, if any thing peculiar was to be done, that notice should be given of the specific purpose for which a vestry was called, it was also held not to be absolutely necessary to give notice. (*Clutton v. Cherry*, 2 Phil. Ec. Ca. 384; *Steer. P. L. p. 261.*)

Three days' notice to be given of vestries.

But now, by 58 Geo. III. c. 69, s. 1, (commonly called *St. Bourne's Act*), intituled "An Act for the Regulation of Parish Vestries [3rd June, 1818,] reciting that "It is expedient to regulate the manner of holding parish vestries, and the right of voting therein," it is enacted, "That from and after the first day of July, 1818, no vestry meeting of the inhabitants in vestry of or for any parish shall be held until public notice shall have been given of such vestry and of the time and hour of holding the same, and the special purpose thereof, three days at the least before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel on some Sunday during or immediately after divine service, and by affixing the same fairly written or printed, on the principal door of such church or chapel."

Notice, how to be given.

Stat. 1 Vict. c. 45, repeals in part this sect., and also part of sect. 7

the minister is the proper person to give notice of holding the election of churchwardens and parish officers. (*Reg. v. Grey*, 4 *Jurist*, 1056.)

ad et.]—Anciently, at the common law, every parishioner church-rates, or scot and lot, and no other person, had to these meetings. But this must not be misunderstood who hath a special duty incumbent on him in this matter, possible to the bishop for his care herein; and therefore meeting he *presides* for the regulating and directing this equally holds whether he be rector or vicar. (*Shaw's Par. P. L.* 253.) Who may attend

If the minister of the parish be present, he has a right to meeting; (*Wilson v. M'Math*, 3 *B. & Ald.* 261, *et notis*; *Curtis*, 522; 3 *Phil. Ec. Ca.* 87; *R. v. D'Oyley*, 4 *P. & D.* 139, *S. C.*;) though he is not an essential part of the *v. Barbet*, 2 *Exp.* 687.) As to the power of the chairing, see *post*, 335. Chairman.
Minister.

s. III. c. 69, s. 2, in case the rector or curate shall not be assembled may elect a chairman, who shall have a

in that enactment. "In case the rector or vicar or perpetual curate shall not be present, the persons so assembled in pursuance of the act shall elect a chairman of vestry appointed;" Chairman of vestry appointed;

1. Parish Vestries in General.

58 Geo. III. c. 69.
to have casting vote.

Minutes to be entered and signed.

such notice shall forthwith nominate and appoint by plural be ascertained as hereinafter is directed, one of the inhabitant parish to be the chairman of and preside in every such vestry cases of equality of votes upon any question arising therein shall (in addition to such vote or votes as he may by virtue be entitled to give in right of his assessment) have the casting minutes of the proceedings and resolutions of every vestry and distinctly entered in a book, (to be provided for that churchwardens and overseers of the poor,) and shall be chairman, and by such other of the inhabitants present proper to sign the same."

Voting at, qualification for.

Voting at, and Qualification for.—Residence within the necessary qualification, as all out-dwellers occupying land have a vote in the vestry as well as the inhabitants. (*Joh P. L.* 253.)

Non-payment of church-rates.

The non-payment of church-rates does not disqualify from voting, nor can a by-law or resolution of a parish such as have not paid church-rates shall not vote" be supported. (*per v. Elger*, 4 B. & C. 449; 6 D. & R. 517, S. C.)

Manner of voting in vestries.

By the 58 Geo. III. c. 69, s. 3, "Every inhabitant present the last rate which shall have been made for the relief of the poor, or value, not amounting to 50*l.*, shall have and be entitled to give one vote and no more; and every inhabitant there present, who has the last rate have been assessed or charged upon or in respect of any annual rent or rents, profit or value, amounting to 50*l.* or upwards, shall have and be entitled to give one vote for every 25*l.* of annual rent, profit and value, upon which he shall have been assessed or charged in such manner, nevertheless that no inhabitant shall be entitled to give more than one vote; and in cases where two or more of the inhabitants be jointly rated, each of them shall be entitled to vote according to the proportion and amount which shall be borne by him of the rate, and where one only of the persons jointly rated shall attend, he shall be entitled to vote according to and in respect of the whole rate charge."

Inhabitants coming into a parish since the last rate may vote.

Sect. 4. "When any person shall have become an inhabitant of a parish, or become liable to be rated therein, since the making of the last rate for the relief of the poor thereof, he shall be entitled to give one vote in respect of the lands, tenements, and property for which he shall become liable to be rated, and shall consent to be rated in the same manner as if he should have been actually rated for the same."

Inhabitants refusing payment of poor's rate excluded from vestries.

Sect. 5. "No person who shall have refused or neglected to pay the rate for the relief of the poor, which shall be due from him, shall be entitled to vote or to be elected a member of any vestry of the parish for which such rate shall have been demanded of him, [and] shall be entitled to vote or to be elected a member of any vestry of the parish for which such rate shall have been demanded of him, until he shall have paid the same." The word "and" in this enactment by mistake; see it explained by the 59 Geo. III. c. 3, *post*, 333.

Provisions in relation to parishes extended to townships, &c.

Sect. 7. Enacts, "That all provisions, authorities, and directions contained in relation to parishes, shall extend, and be construed, to all townships, vills, and places having separate overseers and maintaining their poor separately, and that all the directions herein contained in regard to vestries shall extend and be construed, to all meetings which may by law be holden of the inhabitants of any township, vill or place, for any of the purposes in this act contained, and that the notices by this act required to be given of every meeting in which there is or shall be no parish church or chapel, and where there shall not be divine service in such church or chapel

Manner of giving notices of vestries and meetings in special cases.

to give such and so many vote or votes at such vestry, in amount of such rent, profit or value, as by the said act of such parish present at such vestry might or ought entitled to give in respect of such amount, and to all purposes as if such person were an inhabitant of such parish in the said recited act to the contrary in anywise notwithstanding.

That in all cases where any corporation or body politic or company shall be charged to the rate for the relief of the parish, either in the name of such corporation or of any such corporation, it shall and may be lawful for the clerk, or other agent duly authorized for that purpose of such corporation, or body politic or corporate or company, to be present and be holden in the said parish under the said recited act; and the clerk, or other agent, shall be entitled to give such vote or votes at such vestry, in respect of the amount of the value of such lands, tenements or hereditaments, as by the said act shall be assessed to such rate present at such vestry to have and be entitled to in respect of such amount; and notwithstanding the said recited act to the contrary in anywise notwithstanding.

Clerk or agent of corporation, &c. may vote in vestry according to the value of the premises rated.

Whereas by the said act, 58 Geo. III. c. 69, s. 55, *ante*, 332, it was enacted, that no person should be present at or vote at such vestry who should have refused to pay any assessment that had been demanded of such person, but the word 'and' was inserted in the said act, as to make the same in that sense; now, to rectify such mistake, be it further enacted,

Non-payment of rates to disqualify from being present or voting in vestry.

such vestry, shall have been paid and satisfied."

Plurality of votes
denied.

In the parish of W., the "poor rates," according to an act had always been made without respect to the value of property in the parish, but according to the supposed ability of the party assessed. That persons so rated were not rated in respect of any annual value, within the meaning of sect. 3 of the above act of Geo. III. c. 69, and, therefore, were not entitled to more than one vote at vestry meetings, although rated upon more than 50*l*. (*Nightingale v. The Vestry of St. Andrew's, 2 B. & C. 31; 3 D. & R. 549, S. C.*)

When votes to be
taken *per capita*.

And where, under a deed of feoffment, certain lands were given to fourteen feoffees for the maintenance of a schoolmaster to teach the children of all the inhabitants of a parish, and it was provided that all business concerning the lands should be done but in vestry or by the majority of the feoffees, and ten at least of the inhabitants of the parish, who were vestrymen, and not feoffees, in a vestry to be held by them. When the power of removal of the schoolmaster was given, so that it required the consent and agreement of the feoffees and vestrymen, or a majority of them, which should be assembled in vestry:—it was held that the execution of the power of the removal of the master was to be taken *per capita*, and not according to the provisions of the act. (*The Attorney-General v. Wilkinson, 7 Moore, 187; 13 S. C.*)

Voters who have
not paid church-
rates.

Where a right of nominating a perpetual curate was given to the parishioners, the by-law or resolution of a parish vestry that only those who have not paid their church-rates should be qualified to vote was held to be void. (*Faulkner v. The Vestry of St. Andrew's, 2 B. & C. 449; 6 D. & R. 517, S. C.*)

But in *Edenborough v. Archbishop of Canterbury*, (2 H. Bl. 240) it was held, that where the advowson of a parish was vested in a corporation for the benefit of the parishioners, the right of voting at the election of a perpetual curate by long usage be limited to parishioners who pay church-rates, and an election by such was confirmed.

What case not
within proviso of
s. 8. of 58 Geo.
III. c. 69.

A local act passed before the stat. 58 Geo. III. c. 69, for the regulation of parish vestries, created the office of guardians of the poor of a particular parish, and enacted, that vacancies should be annually filled by the rated inhabitants assembled in the vestry room, who should be sworn in the room of those going out. Held, after the passing of the act of Geo. III. c. 69, the inhabitants must be allowed in such election to have one vote in proportion to their respective assessments,

minority might be binding. (See *Braintree Case*, *Keeley v. ...*, 372.)

1 has in general the power to regulate the whole of the the vestry; to decide on what they shall be, so as to The chairman's power.
to give a reasonable time to vote; to adjourn the poll if he
to do all necessary acts on his own responsibility, being
ie propriety of his conduct to a court of justice. (*R. v.*
D. 58; 12 *Ad. & Ell.* 139, *S. C.*)

adjourn such meeting, though against the wish of the ma-
on his legal responsibility, if in so doing he improperly
ceedings. (*Id.*)

demanded he may, of his own authority, grant such poll. Granting a poll.

on of churchwardens at a vestry in such parish as above
oll having been demanded, the rector granted the poll,
to be held immediately on the close of the other business,
for three successive days, at a time and place in the parish
most convenient, and which he had appointed by previous
e publication of a summons by the old churchwardens) in
ld be demanded; and he refused to put a motion which
sed for a different appointment, of which a majority of the
ens had given previous notice. The other business lasting
evening, he directed the poll should commence on the
ing, at the time and place of which notice had been given,
the meeting (as was alleged) dissenting. The poll was
gly, and it was held, rightly taken. (*Id.*)

Poll.—It is a general rule that when a thing is to be de- Deciding by poll,
majority of votes, they are to be taken by poll if required.
(*Land*, 5 *Ad. & Ell.* 865; 1 *Nev. & P.* 558, *S. C.*; *Beechey*
M. & Wels. 67; per Lord Denman, in *Reg. v. St. Mary's*,
N. & P. 416.)

on of churchwardens in open vestry, a poll of the pa-
demanded under the Act 58 Geo. III. c. 69; it was held
legal demand, and meant a poll of such parishioners as

Queen's Bench will grant a mandamus to enter an adjournment election meeting, and to proceed to complete the election. (*Men, &c. of St. Luke's*, 2 N. & M. 464.)

Fresh voters at a poll.

Every rated inhabitant, whether previously present at the meeting, has a right to come in and vote; and the closing of the meeting during the poll so as to exclude voters is illegal. (*Reg. v. Lambeth (Churchwardens)*, 3 Nev. & Per. 416.)

And where upon the poll being demanded, it was resolved that it should be confined to the persons who were present at the meeting, which had already been made, and not be extended to the parishioners who were entitled to vote: it was held, that this was not illegal, but although illegal it could only render the election void in so far as the persons entitled to vote were prevented from voting, and that notwithstanding the election with locked doors was held a valid election. (*Ellis*, 4 Jurist, 409.)

By a local act, the inhabitants of each district in the parish were to assemble, were to nominate a certain number of persons to be justices at petty session, who were to select therefrom a number to be overseers. At a vestry meeting for the above purpose a contest as to the persons to be nominated; and, after a show of hands, a poll was demanded: it was held, that the nomination was necessarily to be confined to the persons present at the meeting; but might be lawfully had on a future day, so that other persons whose vote might take part in the nomination. (*Reg. v. Hedger*, 4 P.

Adjournment.

Adjournment.—The right of adjourning the meeting is vested in the minister or any other person as chairman, nor in the churchwardens in the whole assembly, where all are upon an equal footing: it must be decided as other matters there, by a majority of the assembly. (*Stoughton v. Reynolds*, 2 Stra. 1045; and see the law as to vestries fully considered in the more recent case of *Baker v. Matthews*, 552.)

Adjournment under previous notice.

But where a vestry being about to be held in M. for the election of churchwardens, notice was given that the meeting would be held in the parish church, but that if a poll was demanded it would be held in the town hall—a poll being demanded, the chairman, without the sense of the meeting, adjourned the election to the town hall,

the parish funds, to determine the expediency of enlarging or repairing churches and chapels, or of adding to or disposing of the "vestments and ornaments" connected with those sacred edifices. The vestry of some of the parish officers is either wholly or in part to be the vestry, and it has, either directly or indirectly, a superintending authority in all the weightier matters of the parish. (*Steer, P. L.*)

overseers made disbursements for the parish, which, by law, not authorized to do, and the vestry approved of such disbursements, the Court of King's Bench decided that the disbursements should not be allowed, and that the vestry had no jurisdiction in the matter and could not bind the parish by their resolution. (*R. v. Gwyer* 4 Nev. & M. 158. See *R. v. Welch*, 1 Bott, 318, 4th ed.)

Allowing improper disbursements by overseers.

a local statute confers a power of investigating accounts upon the vestry, to be annually elected, and to be summoned by the vestry clerk at stated intervals, to audit the accounts, the court will not grant an order to compel the latter, when new auditors have been elected in the succeeding year, to call a meeting of the old auditors to audit the accounts of the past year. (*R. v. St. Giles & St. George's*, 1 Dowl. 349.) As to auditing accounts, &c., under the 1 & 2 Will. IV. c. 34, 349, and notes.

Accounts.

the vestry, as such, has no authority whatever in the distribution of churchwardens are not bound to follow their directions; at the same time the sense and opinion of the vestry ought to have weight. The vote of the vestry is of itself of no authority as to the exercise of the right, but it marks the opinion of the parish. (*Sir J. Nichol, v. Bridger*, 1 Phil. Ec. Ca. 316.)

Distributing pews.

erecting up monuments, &c., see *ante*, "Churchwardens," Vol. I. c. 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

the powers of the vestry, as regards church rates, see "Church," c. 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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Poor rates.

the vestry is called every parishioner is bound to attend; or if he do not attend, he is bound by the acts of those who do. (*Clutton v. Cherry*, 2 Phil. 10.) It seems, therefore, both reasonable and just that whoever obstructs them in the exercise of this right should be held liable as for a personal injury. And to this effect is the case of *Wright v. Ryland*, (as reported in *Stra.* 624,) as follows, (though in *1818*, 1388, and *And.* 235, it is said the court gave no opinion upon the point.) "The plaintiff brought a special action on the case for exclusion from the vestry room; and upon demurrer, the court made judgment for the plaintiff but that such an action was maintainable; however, in this case, it might be the defendant's own house, and then he might do as he pleased, and refuse the rest. And this was a fault in the plaintiff, and need not be shown for cause of demurrer." (See also *Vin. Vestry*.)

Acts of vestry binding.

the vestry meeting having, by a show of hands, passed a resolution that monuments to be erected to the memory of certain persons who had made bequests to the parish, and that the expense should be paid out of the bequests, the person who presided in the vestry refused a poll, the Court of King's Bench refused a mandamus to compel him to grant a poll, because such an application of the court would be a breach of trust, and the court could not assume that the result of the poll would be to rescind the resolution; and if the result was the other way, it would be said that the poll was taken under the authority of a mandamus from the court. (*R. v. St. Saviour, Southwark churchwardens*, 1 Ad. & Ell. 330; 3 Nev. & M. 878, S. C. *And v. Harding*. 1 B. & Ald. 503.)

Mandamus will not lie to grant a poll for an illegal act, as for erecting monuments, &c.

1. Parish Vestries in General.

Review by next vestry.

Entry of minutes of proceedings at.

Evidence of proceedings at.

Hindering persons from meeting.

Jurisdiction of Ecclesiastical Court over.

Liability for contract by voting, &c.

Review by next Vestry.]—The acts of one vestry are not absolutely binding on a succeeding vestry, and they may be confirmed or rescinded by such succeeding vestry; but the confirmation of the succeeding vestry is not necessary to make the acts of the preceding one valid. (*Manning v. Barbet*, 2 Esp. 687.)

Minutes of Proceedings at Vestry.]—We have seen that by the Statute III. c. 69, s. 2, the minutes of the proceedings and resolutions of a vestry shall be fairly and distinctly entered in a book (to be provided for that purpose by the churchwardens and overseers of the poor), and shall be signed by the chairman and by such other of the inhabitants of the parish as shall think proper to sign the same."

As to the evidence of proceedings at, see "*Evidence*," Vol. II. The plaintiff brought a special action upon the case for exclusion from the vestry-room, and upon demurrer the court made no decision, but that such an action was maintainable; however, in this case, the court gave judgment for the defendant, it not being averred that the plaintiff had any property in this room or right to meet there, so, that for all that appears, it might be the defendant's own house, and then he might exclude whom he pleased and refuse the rest. (*Phillybrown v. Ryland*, 18 M. & W. 100. And see *Dobson v. Fussey*, 5 M. & P. 112; 7 Bing. 305, S. C.)

Jurisdiction of Ecclesiastical Court over Proceedings at.]—The Ecclesiastical Court has jurisdiction *ratione loci*, over the order and proceedings of vestry meetings held in a church; and therefore, where a rector was libelled in that court a parishioner for preventing him from presiding as chairman at such meeting, a prohibition was refused. (*Wilson, D. v. M'Math*, 3 B. & Ald. 241.)

Liability of Persons voting at.]—Inhabitants voting at the vestry meeting generally incur no separate or individual responsibility for any thing that may be done in pursuance of a resolution of vestry so signed by them. It has been therefore determined, that vestrymen who signed a resolution ordering the parish surveyor to take steps for defending an indictment for not repairing a road, were not to be responsible for the payment of the attorney employed by the surveyor; for in signing the resolution they act merely as vestrymen, without any intention of becoming individually responsible. (*Spratt v. Powell*, 3 Bing. 478; 11 Moore, 688, S. C. And see *Lanchester v. Frewer*, 2 Bing. 361; 9 Moore, 688, S. C. *Holmes v. Williamson*, 6 M. & Selw. 158; *Steer*, P. L. 257.)

So, where several parishioners joined at a vestry meeting in signing an order authorizing two churchwardens to put a new roof on the church tower, and both concurred in giving orders for that purpose, and the plaintiff paid the artificers; and a rate for reimbursing them having been quashed, the plaintiff sued the defendant, being the churchwarden, for a moiety of the money so paid:—It was held, that the defendant could not insist on those parishioners who had signed the vestry order, being joined with him as co-defendants in the action. (*Lanchester v. Fricker*, 8 Moore, 20; 1 Bing. 201, S. C.)

But if several parishioners in the vestry sign a resolution in the minute-book, stating that they approve of an action brought by the surveyor of the highways against A., and that they do thereby guarantee him all legal expenses that are or may be incurred by him in prosecuting that suit, this binds them personally, and will render each person signing incompetent to be a witness on the trial of that action. (*Heudebont v. Langton*, 3 C. & P. 566—*Tenterden*.) A rule for a new trial was afterwards refused. (10 B. & C. 546.)

Where one of two chapelwardens ordered goods for the use of the chapel, it was held that he might be separately sued for the same. (*Shaw v. Hislop*, 4 D. & R. 241. And see further, ante, "*Churchwardens*" Vol. I.)

Vestry clerk, how.

Vestry Clerk.]—The vestry clerk is chosen by the vestry, and he

managers; and such a custom of the government of elect number hath been adjudged a good custom, in that dens accounting to them was adjudged a good account.

m that constant immemorial usage is the basis and only
lect vestry. Exists by cus-
tom only.

select vestry is appointed, the right of the common law
rays in practice been considered as *de facto* superseded. Supersedes au-
thority of a com-
mon law vestry.

1, 2 Y. & Jer. 525.) Fallen into dis-
repute.

shes these select vestries having been thought oppressive
great struggles have been made to set aside and demolish
's Par. L. c. 17.) And no wonder that it hath been so in
here by custom they have obtained the power to choose one
is to be supposed that if they are guilty of evil practices
se such persons as they think will connive at or concur
rn, Ec. L. 10; Steer's P. L. 260.)

at there shall be a select vestry of an indefinite number of
ned by election of new members made by itself, and not
oners, is valid in law. And, *semble*, that it must be part
n that there should always be a reasonable number, and
ableness of that number must be decided with reference to
d usage and to the population of the parish, such custom
from time immemorial in a parish. (*Golding v. Fenn*, 1
; 7 B. & Cres. 765, S. C.) In *Berry v. Banner*, (*Peake*,
ld that a select vestry could not be constituted by a faculty Custom that the
vestry shall be of
an indefinite
number.
Cannot be con-
stituted by
faculty.

P. 1662, by a faculty granted by the bishop of London, But faculty, does

2. Select Vestries.

not destroy previous custom.

forty-nine persons, together with the vicar and church named as a select vestry, and that number was to be kept to be made by ten at least of those forty-nine, together and churchwardens. In the year 1673, this number and another faculty reduced to seven, and these faculties were ever afterwards. Ten out of the fourteen vestrymen who at the vestry holden next before the promulgation of the were part of the forty-nine named in that faculty:—the vestry appointed by the faculty, and since continued, consistent with the vestry previously existing by the custom was not destroyed by the parish having accepted the faculty upon it ever since, the faculty not being binding in law, having power at any time to depart from its direction *Fenn, 1 M. & Ry. 647; 7 B. & C. 765, S. C.*)

Select vestry cannot elect another vestry.

A select vestry when it exists by custom for the management of the poor cannot elect another select vestry for the management of the poor within the 59 Geo. III. c. 12. (*Reg. v. Goodman, 4 B.*)

Cases as to the constitution of select vestries.

By an act of parliament for paving, lighting, and watching of the parish, the rector, churchwardens, and overseers of the vestrymen, were appointed trustees for putting the act in execution. In a subsequent act the trustees appointed to put the first act in execution were appointed trustees for executing that act, and the same or any thirteen or more of them, were authorized to elect four more for the parish:—Held, that the presence of the rector at a vestry meeting for the purpose of a constable was not necessary, if thirteen other trustees were present. (*R. v. Brain, 3 B. & Ad. 614.*)

What a good election by custom.

By ancient custom a select vestry was to consist of the churchwardens, and those who had served the office of upper churchwarden, and other parishioners to be elected by the vestrymen. In modern times it had been to elect as vestrymen those parishioners who had been fined for not serving the office of upper churchwarden, that they were good vestrymen, for this practice was not in the custom, for it was competent to the vestry at any time to elect persons not of that class. (*R. v. Brain, 3 B. & Ad. 614.*)

Notice should be given of meeting on an unusual day.

A vestry meeting on an unusual day for any special purpose is not legally constituted unless previous notice thereof has been given to every member of the vestry.

In justification of an assault the defendants pleaded “that they were assembled in a select vestry; that plaintiff, being an intruder, was ejected from the room,” one of the select vestry not having notice of the meeting:—It was held, that the justification was not good, as the meeting was not a legally constituted vestry, so as to justify an allegation that the select vestry was *duly assembled*, it being called on special business on an unusual day; and, by the rules which prevail in summoning the members of a corporation, notice of the meeting ought to have been given to every member. (*Dobson v. Fussey, 7 Bing. 305; 5 M. & P. 112, S. C. Martin, 2 Camp. 100; Thomas v. Morris, 1 Addams’ Rep.*)

Number present.

To constitute a valid assembly of a select vestry appointed by the 59 Geo. III. c. 45 and 59 Geo. III. c. 134, (title “Poor,”) a majority of the whole number appointed should be present. (*Blizard, 4 M. & Ry. 641.*)

Who may be a select vestryman.

An inhabitant may be a member of a select vestry, although he be a magistrate acting within the parish. (*R. v. Kent (Justice, 299; 2 Ad. & Ell. 409, S. C.)*)

An overseer may be a select vestryman, by virtue of an appointment as a parishioner, although he be also a member of the select vestry by virtue of his office. (*Id.*)

Oath by vestrymen.

A local vestry act directed that vestrymen should take an oath that they will faithfully execute the duties reposed in them by the act, and that they are appointed in pursuance of that act, and that they are

III. Vestries under 1 & 2 Will. IV. c. 60.

1 & 2 Will. IV. c. 60, (commonly called Hobhouse's Act,) in- 1 & 2 Will. IV.
an Act for the better Regulation of Vestries, and for the Appoint- c. 60.
ment of Auditors of Accounts, in certain Parishes of England and Wales,"
October, 1831], reciting, that "it is expedient to provide for the
vestries, and of auditors of parish accounts, in certain parishes
of England and Wales," it is enacted, "That this act and the several
provisions thereof shall apply to and may be adopted, under and subject
to the regulations herein contained, by any parish or parishes in England
or Wales."

Act may be
adopted by any
parish.

The object of the statute is to enable the inhabitants of any parish con- Object of act.
sisting of 10 or more rated householders, or being within or forming part of a city
(sect. 43), to place themselves, if they shall think proper, under
the regulations contained in its provisions, as to the constitution
of the vestry, and the election of its vestrymen and auditors of accounts.

"That when in any parish certain of the rate payers thereof
shall require that the said parish should come under the operation of this
act, and in that case any number of rate payers (a) amounting at least
to one-fifth of the rate payers of such parish, or any number of rate payers
not less than twenty, may, on some day between the 1st
of November and the 1st day of March, deliver a requisition by them
signed, that the said parish should come under the operation of this
act, and in that case any number of rate payers (a) amounting at least
to one-fifth of the rate payers of such parish, or any number of rate payers
not less than twenty, may, on some day between the 1st
of November and the 1st day of March, deliver a requisition by them

Manner of adopt-
ing it in parishes
where inhabitants
do not assemble in
open vestry.

It would seem that the requisition must come from poor-rate-payers.
Rule, 2 Jurist, 887.

**3. Vestries
under 1 & 2
Will. IV. c. 60.**

signed, and describing their places of residence, to the clerk or to one of them, serving for the said parish, requiring of the churchwardens to ascertain according to the manner hereinafter provided whether or not a majority of the rate payers of the said parish have adopted the said act, and require that this act and the provisions thereof should be read and explained to the rate payers of the said parish; and which requisition may be in the form or to the effect following; (that is to say,)

Form of requisition.

*" To the churchwardens of the parish of [here insert the name of the parish]
" We, whose names are hereunto subscribed, being rate-payers of the said parish, and respectively rated or assessed to the rate of [here insert the rate] thereof, do hereby require you the said churchwardens to ascertain the adoption or non-adoption of an act of the 2nd year of King William the Fourth, chapter [here insert the chapter number], intituled ' An Act, [here insert the title of the act], title of the act].*

" Dated this [here insert the day] day of [here insert the month], in the year of our Lord [here insert the year]

Upon receipt of requisition, churchwardens to give notice of time and place for receiving votes.

Sect. 3. " That the said churchwardens of the said parish, on or before the 1st Sunday in the month of March next after the receipt of the said requisition, affix or cause to be affixed a notice to the principal church and chapel within the said parish, specifying some time or times, not less than ten days and not later than twenty-one days after such receipt, at what place or places within the said parish, the rate payers of the said parish are required to signify their votes for or against the adoption of the said act, which votes shall be received on three successive days, beginning at eight of the clock in the forenoon and ending at four of the clock in the afternoon of each day; and the said notice shall be to the effect:

Form of notice.

" The churchwardens of this parish [insert here the name of the parish] having received a requisition duly signed according to the provisions of the second year of the reign of William the Fourth, chapter [here insert the chapter number] for the better regulation of vestries, the rate-payers of this parish of the name of the parish] are hereby required, all and each of them, on the [here insert the day] day of [here insert the month] next, and the two following days, to signify to the said churchwardens by a declaration, either printed or written, or partly printed and partly written, addressed and delivered to one of the churchwardens of the said parish [here insert the place], their votes for or against the adoption of the said act for the better regulation of vestries by the rate-payers of this parish.
(Signed) [here insert the name of the churchwarden]

Sect. 4. " The said declaration shall be to the following effect:

Form of declaration.

" I, A. B., of [here insert the name] Street, [or [here insert the name] 'place,' or 'house'] of [here insert the name], vote ['for' or 'against,' as the case may be], in favour of the adoption of the act of the second year of the reign of William the Fourth, chapter [here insert the chapter number] for the better regulation of vestries by this parish."

Churchwardens to declare whether the votes are in favour of adopting this act.

Sect. 5. " The said churchwardens shall carefully examine the said declarations so delivered as aforesaid, and shall compare them with the said act, and shall make a declaration in writing made for the relief of the poor of the said parish, and shall call before them and examine any parish officer or officers, or any rate payer so giving his vote, and after a full and complete taking up of the said votes shall, by public notice, according to the manner hereinafter prescribed, declare whether or not a majority of the rate payers of the said parish have given their votes in favour of the adoption of the said act: provided always, that the whole number of persons voting in favour of the adoption of the said act shall be a majority of the rate payers of the parish: provided also, that the adoption or non-adoption of this act shall be decided by a majority of the votes as aforesaid." (a)

Ratepayers may inspect votes.

Sect. 6. Provided always, " That any of the rate payers

(a) A parish having a particular custom as to the manner of choosing churchwardens, is not affected in this particular by the adoption of the said act. (*Semb. R. v. St. James's Churchwardens, 5 Ad. & El. 391.*)

9) By 58 Geo. III. c. 69, s. 1, *ante*, 330, only three days' notice is required.

3. Vestries under 1 & 2 Will. IV. c. 60. day of , conformably to the provisions of the said act, and the to consider of and elect fit and proper persons to be vestrymen and accounts of the parish of , for the ensuing year : that is to say Members of the Auditors of Acc

Rate collectors, &c., may be summoned to assist at the election.

Sect. 13. "The churchwardens may summon the rate collectors on the said day of annual election, in order to ascertain that the persons presenting themselves to vote are rated to the relief of the poor of the said parish, and duly vote at the said election."

Form of proceeding at annual elections.

Sect. 14. "That on the day of annual election for vestrymen in any parish adopting this act, each parishioner then rated, been rated to the relief of the poor one year, desirous of voting at the place appointed for such election, then and there to nominate eight rate payers of the said parish as fit and proper persons to be inspectors of votes, four of such eight to be nominated by the churchwardens, the other four to be nominated by the meeting; and after such nomination the said parishioners shall elect such parishioners duly qualified to be there proposed for the offices of vestrymen and auditors; the chairman shall at such meeting declare the names of the persons who have been elected by a majority of votes at such meeting" (a)

A ballot may be demanded.

Sect. 15. Provided always, "That any five rate payers may, there, in writing or otherwise, demand a poll, which shall be given by ballot, each rate payer delivering to the aforesaid inspectors a paper, one of which papers shall contain the names of the persons to whom such parishioner may vote as fit and proper to be members of the vestry, and the other shall contain the names of the persons to whom such parishioner may vote as fit and proper to be auditors. Provided always, that each rate payer shall have one vote for the members of the vestry, and one vote and no more for the auditors of accounts to be chosen in the said parish" (b).

Mode of voting.

Sect. 16. "The inspectors of votes shall deposit the said papers without previously opening the same, in two separate sets of glasses or boxes, one set for the vestry lists, and another for the auditors' lists; and that the said balloting glasses or boxes shall be kept closed until the time fixed for the termination of the voting, that is, at four o'clock of the afternoon of the last day of election."

(a) On the nomination of the eight inspectors to act in the election of vestrymen, under this act, the decision of the chairman, on a show of hands, that one or the other party has a majority, is not conclusive, but he is bound, on requisition from either side, to take steps for ascertaining the numbers. (*Reg. v. St. Pancras (Vestrymen, &c.)*, 11 *Ad. & E.* 15; 4 *P. & D.* 66, n. S. C.)

Quære, whether the proper course, on such requisition, be to divide the meeting, or at once to take a poll? *Semble*, that, under stat. 1 & 2 Will. IV. c. 60, s. 11, a division is proper. (*Ib.*)

The mere existence of party feeling in the chairman is not sufficient ground for impeaching a nomination of inspectors under the statute; but if, after improperly refusing to ascertain the numbers voting, he has declared certain persons to be the inspectors no-

minated by the meeting. If the election of vestrymen has taken place, the court will grant a writ for a new election, although a considerable time has elapsed; if the election took place *Mandamus* was moved for and cause was shewn that the rule was made absolute. 21st. (*Ib.*)

If four inspectors have been properly declared to be nominated to the meeting, such *mandamus* will be granted, although the other four were not duly nominated by the churchwardens, and officiated as such. (*Ib.*)

(b) By the 58 Geo. 1 (ante, 332), persons rated for one year and less have one vote; every 25th a year more entitles them to a second vote, which they are rated, vote.

any person who wilfully obstructs or prevents the purposes of such mode of election, or obstructs the purposes so offending shall, upon information laid, and confirmed by two or more justices of the peace having jurisdiction adopting this act, be liable to a penalty of not less than five nor more than 50*l.*, and in default of payment thereof shall be imprisoned for a term not exceeding six nor less than three months; and the sum so paid shall be given, half to the informer who shall have informed the person so offending, and the other half to the poor of the parish in which the said offence shall have been committed."

The aforesaid inspectors shall, immediately after they shall have taken the aforesaid elections, deliver to the vestry or to one of them, serving for the parish so adopting this act, a list of the persons chosen by the parishioners to act as vestrymen and auditors of accounts; and the said list, or a copy thereof, shall be posted in some of the churches and chapels or other places chosen by the vestry, and public notice in the said parish."

If any inspector as aforesaid shall wilfully make or cause to be made an incorrect return of the said votes, every such offender shall, upon being convicted by any person before two or more justices of the peace having jurisdiction in the said parish, and upon conviction for such offence, be liable to a penalty of not less than 25*l.* and not exceeding 50*l.*"

In all parishes adopting this act the meeting of parishioners to elect vestrymen and auditors of accounts by the parishioners shall take place in the month of May in every year: Provided that when a ballot is demanded at such election the same shall be taken on the following day, and continue for three successive days, from eight of the clock in the forenoon and closing at four of the clock in the afternoon on each day: Provided also, that the day on which the elections shall commence shall in the first instance be appointed by the churchwardens of the parishes adopting this act, but in every parish shall be appointed by the vestry: Provided always, that in every parish of the populousness of any parish the said parish shall be divided into districts for ecclesiastical or other purposes, and in that case the said votes shall be taken, according to the mode of election, in some convenient place, at the discretion of the vestry, in each of the several districts of the said parish."

Public notice to be given of vestrymen and auditors chosen by parishioners.

Penalty on inspector for making incorrect return.

Elections to be annual.

tual curate, and churchwardens of the said parish shall be members of the said vestry, and shall vote therein, in addition to the aforesaid elected under this act: Provided always, that no such rector or other such minister as aforesaid, from any ecclesiastical district as aforesaid, shall, *ex officio*, be a member of any vestry meeting."

Proportion of existing vestry to go out of office at each of three first elections under this act.

Sect. 24. "At the first election for vestrymen after the coming into force of this act in any parish, one third of the then existing vestry, of the number thereof, but not exceeding the same, shall retire from office, (such portion to be determined by lot,) and the parishioners duly qualified shall elect a number of vestrymen equal to one third of the number of the vestry retiring, according to the provisions of this act; and that on the second annual election for vestrymen one half, or as nearly as may be, of the remaining part of the first aforesaid vestry shall retire from office, (such portion to be determined by lot,) and the parishioners shall again elect a number of vestrymen equal to one third of the number of the vestry retiring, to be chosen according to the provisions of this act; and that on the third annual election for vestrymen, the whole of the vestry as aforesaid shall retire from office, and the parishioners duly qualified shall elect vestrymen in like manner as at the two preceding elections, so as to fill up the vestry to the number of vestrymen prescribed by this act" (a).

Vestrymen to quit office after three years, and one third of the whole number to be elected annually.

Sect. 25. "At every subsequent annual election those vestrymen who have been three years in office shall go out of office, and the parishioners shall elect, according to the provisions of this act, other vestrymen to fill up the number of one third of the total number of which such vestry shall consist, as also fill up any vacancies which may have occurred by death or other causes: Provided always, that any or all vestrymen so going out by rotation may be immediately re-elected at the next election."

Qualification of vestrymen.

Sect. 26. "The vestry elected under this act in any parish in the metropolitan police district or the city of London shall consist of independent householders rated or assessed to the relief of the poor, of not less than 10%.; and no person shall be capable of being elected to the said vestry unless he shall be the occupier of a house or premises, or hereditaments rated or assessed upon the said parish."

ount to them in like manner as they have accounted to
Provided always, that nothing in this act shall be deemed,
aken to repeal, alter, or invalidate any local act for the
ny parish by vestries, or for the management of the poor
f directors and guardians, or for the due provision for
within the parish, and the maintenance of the clergy offi-
otherwise than is by this act expressly enacted regarding
estrymen and auditors of accounts."

acts regarding
vestries, divine
worship, &c., ex-
cept as herein
expressed.

If powers or duties to be performed by the vestry of any
this act may be exercised and performed respectively by
of such vestry assembled at any meeting, there not
five vestrymen present at a meeting of a vestry which
re or more elected vestrymen and not exceeding twenty-
being less than seven vestrymen present at a meeting
ich consists of twenty-four or more elected vestrymen
ng thirty-five, and not being less than nine vestrymen
ting of a vestry which consists of thirty-six elected ves-
rds; and all orders and directions given, and all contracts
is entered into by the vestrymen present at any such meet-
or part of them then assembled, shall be as valid and
e same were done by all the said vestrymen for the time
be binding and conclusive on all such vestrymen, pro-
ame is confirmed at the next subsequent meeting of the

The acts of a que-
rum of the vestry
at any meeting to
be considered as
the acts of the
vestry.

any case in which the vestry room of any parish in any
hall not be sufficiently large and commodious for any
such meeting shall be held elsewhere within the said
but not in the church or chapel thereof."

Meetings not to
be held in the
church.

at every meeting of any vestry, in the absence of the
sed by law or custom to take the chair, the members pre-

Meeting to elect
a chairman.

adopting the act be
politan police district,
London, or contain
resident householders:
under this 26th sect.

electd for want of qualifications. (*Id.*)
A parish which adopted the act had
previously been governed by a vestry
established by a local act, which de-
fined the qualification of a vestryman,

**3. Vestries
under 1 & 2
Will. IV. c. 60.**

Proceedings to be
entered in books
to be open to in-
spection.

Account books to
be kept, and be
open to inspec-
tion.

Auditors to be
chosen annually.

Qualification.

Further qualifica-
tions of auditors.

Disqualification.

Mode of audit.

sent shall elect a chairman for the occasion before proceeding business."

Sect. 31. "The vestry of every parish adopting this act shall be provided and kept a proper book or books, and proper entries made therein of the names of the several vestrymen who shall attend at the respective meetings of the vestry, and of all orders and proceedings taken at such meetings; and all such books shall at all times be open to the inspection of the said vestrymen, and of any person or persons having the care of such books shall refuse to permit, or shall not permit the said vestrymen or such persons or creditors to inspect the same, or to take such copies or extracts as aforesaid, such person shall forfeit and pay any sum of money not exceeding 10s. for every such offence."

Sect. 32. "The said vestry shall and they are hereby required to provide a book or books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and disbursed for parochial purposes, and of the several articles, and things for which such sums of money shall have been so received; which book or books shall at all seasonable times be open to the inspection of the said vestrymen, and of any person or persons having the care of such books shall refuse to permit, or shall not permit the said vestrymen or such persons or creditors to inspect the same, or to take such copies or extracts as aforesaid, such person shall forfeit and pay any sum not exceeding 10s. for every such offence."

Sect. 33. "In any and every parish adopting this act, the vestry shall elect five of the said parish who shall have signified in writing their assent to be auditors of accounts, which auditors shall be so elected on the day on which the vestrymen shall be chosen after such parish shall have adopted this act, and according to the same forms of voting as are now prescribed for the election of the said vestry: Provided that no person shall be eligible to fill the said office of auditor of accounts who shall not be qualified according to the provisions of this act before stated, to fill the office of vestryman for the said parish: Provided always, that no person shall be eligible to fill the said office of auditor of accounts who shall be one of the vestry for the year in which he is elected, and if any person on the day of annual election shall be chosen as a member of the vestry and an auditor of accounts, the said person shall at their first meeting after such election, shall declare the said person to be incapable of acting as vestryman: Provided also, that no person shall be eligible to fill the said office of auditor of accounts who shall be either directly or indirectly, in any contract, office, business, or in providing or supplying any materials or articles for the use of the parish which he is to serve; and any person who shall be discovered to be so interested, shall cease to be an auditor."

Sect. 34. "The aforesaid auditors of accounts shall meet together in each year, at the board room of the vestry, and (a majority of the auditors being present at such meetings) shall proceed to examine the accounts of the said vestry for the preceding half year, in pre-

ner as they audit the accounts of the said vestries" (a).
 e said auditors shall have power to summon "and call
 a writing for that purpose signed by any one of them, or
 the vestry of any parish adopting this act, any parish
 person or persons whatsoever concerned in the said
 require of him or her or them to attend the said auditors
 r adjourned meeting, and to bring with them all books
 ings, papers, and documents required, which may con-
 ounts, and to give such information as to the particulars
 as he, she, or they shall be enabled to give (b); and any
 other person refusing so to attend, or otherwise wilfully
 purposes of such inquiry, shall be deemed guilty of a

Auditors may call
for persons and
books.

he said accounts, when audited and approved by the said
 ne major part of them, shall be by them signed in the
 lerk of the aforesaid vestry of any parish adopting this
 clerk of the vestry shall also affix his signature to the
 all be lawful for the aforesaid auditors to subjoin such
 as to them shall seem meet."

Accounts to be
signed by auditors.

he said accounts, when so audited and signed, shall

Accounts after

een that this section
 uditors "shall meet
 ch year, at the board
 r, and (a majority of
 eing present at such
 audit the accounts of
 he vestry are required
 eeting" to produce a
 riting, &c., and the
 ve the same power of
 ounts of certain other
 to audit them in the
 a mandamus issued,
 rd to attend with and
 ditors their accounts.

*Church Trustees of St. Pancras, 3
 Adol. & Ellis, 535; 5 N. & M. 219,
 S. C.)*

A mandamus to account before au-
 ditors under the above act, recited that
 the auditors "duly appointed and act-
 ing under and by virtue of an act," &c.
 "in exercise of the powers given to
 them by the said act," had summoned
 the parties to account:—Held, that in
 a mandamus for this purpose it was
 not necessary to state more fully the
 adoption of the act by the parish, and
 the due appointment of the auditors.
(Id.)

Wales.

venue of offences in, see "*Indictment*," Vol. III.

2. II. c. 42, s. 3, in all cases where the kingdom of England of Great Britain called England, hath been or shall be mentioned in any act of parliament, the same has been and shall be taken to be the dominion of Wales and town of Berwick.

Deemed part of England.

3. III. IV. c. 70, intituled "An Act for the more effectual Administration of Justice in England and Wales," passed the 23d July, 1830, the jurisdiction of her Majesty's Courts of King's Bench, Common Pleas, and Exchequer, respectively, and of the several judges thereof, is extended over and within the county of Chester and the city of the city of Chester, and the several counties in the same manner, to the same extent, and to and for all intents and purposes whatsoever, as the jurisdiction of such courts respectively is extended in and over the counties of England not being counties palatine.

Jurisdiction of courts at Westminster extended to counties palatine, &c.

"From and after the time herein appointed for the coming into force of this act, assizes shall be held for the trial and despatch of criminal and civil, within the county of Chester and the several county towns in the principality of Wales, under and by commissions of assize, oyer and terminer, gaol delivery, and other commissions to be issued in like manner and form as is usual for the counties in England; and all laws and statutes relating to the execution of such commissions, when issued in England, shall extend and be applied to the execution of commissions issued for the county of Chester and the counties of the principality of Wales, by the authority of this act."

Assizes to be held in Chester and Wales.

1 Will. IV. c. 70.

Mode of holding
assizes in Chester
and Wales until
his majesty shall
otherwise direct.

Records of the
several courts
abolished to be
kept as hereto-
fore, until other-
wise provided for.

For passing ac-
counts of sheriffs
of county of Ches-
ter and princeli-
pality of Wales.

When quarter
sessions are to be
held.

Execution of
criminals.

Sect. 20. "Until it shall be otherwise provided by law, on judges appointed to hold the sessions of assizes under his Majesty's commission within the county of Chester and principality of Wales, shall proceed to hold such assizes at the several places where the same have heretofore been most usually held within South Wales; and the other of them shall proceed to hold such assizes at the several places where the same have heretofore been most usually held in North Wales; and judges shall hold the assizes in and for the county of Chester in the manner as in other counties of England."

Sect. 27. "The records, muniments, and writings of the courts abolished by this act shall, until otherwise provided by law, be kept by the same persons and in the same places as before the passing of this act; and that the Court of Common Pleas shall have the like power and authority to amend the records of fines and recoveries passed in any of the courts abolished by this act, as if the same had not been so suffered, or had in the Court of Common Pleas: provided always, that in the case of the death of any such person before any other provision shall have been made for keeping such records, muniments, and writings thereof shall be with the clerks of the peace of the several counties in which counties the same shall respectively belong."

Sect. 33. "The clerk of assize, within ten days after the holding of the assizes in the county of Chester, and in each county in which assizes shall be held, shall make out a roll containing the names and places of residents liable to the payment of any fines, issues, amercements, compositions, or other sums imposed or forfeited during the preceding assizes, with the sums set opposite to each name, and shall transmit the same to the sheriff, with an order upon him signed in the name of one of the judges of assize, directing him to cause such sums to be levied and recovered from the parties liable to the same, which order shall be of the same force and effect as if returnable to the same person or persons, as any writ or process issued to the sheriff for the like purpose; and the sheriff, upon receipt thereof, shall proceed to levy the sums in the said roll mentioned, and shall be accountable for the same, and all arrears thereof, in the same manner as at the same time, and to the same officer, and shall pass the same before the same officer or officers, as he hath been heretofore accustomed to do."

Sect. 35. "In the year of our Lord 1831, and afterwards in every year, the justices of the peace in every county, riding, or division for which quarter sessions of the peace by law ought to be held, shall hold the same in the first week after the eleventh day of October, in the first week after the twenty-eighth day of March, and in the first week after the thirty-first day of June; and that all acts, matters, and business done, performed, and transacted at the times appointed by the law for the holding of the general quarter sessions of the peace shall be binding to all intents and purposes as if the same had been done, performed, and transacted at general quarter sessions of the peace at the times by law limited for the holding thereof before the passing of this act."

By the 5 Will. IV. c. 1, passed to explain the above act, it is enacted, that by section 1, that the sheriffs of the county of the city of Chester shall execute criminals condemned to die for offences committed in the county; and by sect. 2, the judge before whom any criminal is convicted, may make an order upon the sheriff of the county to execute the same in any place not within his jurisdiction.

Hundred. The same as a hundred. It is especially used in the north counties above the Trent. *Bract. C. 3, 1 further, title "Hundred," Vol. III.*

as necessary, and when to be granted, and previous Proceedings, p. 353.

m of Warrant, how long in force, &c., and right to withdraw or amend it, p. 355.

king of Warrants, &c., p. 358.

. II. c. 55; 13 Geo. III. c. 31; 44 Geo. III. c. 92; 45 Geo. III. c. 92; 48 Geo. III. c. 58; 54 Geo. III. c. 186].

le of executing, and herein of Breaking open Doors, &c., p. 363.

at to be done after the Arrest, p. 368.

ms, p. 368.

as necessary, and when to be granted, and previous Proceedings.

already pointed out who may be arrested, and for what Who may be arrested, and for what.
hat time, in what places, and by whom. (See "*Arrest*," Vol. I.)
also seen as to when a party may be arrested *without* a war- Arrest without warrant.
"*Arrest*," Vol. I.) In general, it is best to obtain a warrant
ime.

es seldom grant a warrant in the first instance in cases of Summons, when most proper.
r, unless in aggravated cases, or where there is a likelihood of
abconding, if he be apprized of the complaint being made
: in ordinary cases, it is most usual to issue a *summons* in the
e, and if that be disobeyed, then to issue a warrant. (See 2
, 77, 101.) But if the *summons* has been duly served, and
he is satisfied that it was so, then he may proceed to hear and
he case whether the accused appear before him or not, and it
then to issue a warrant. (*Reg v. Simpson*, 1 *Bla.* 44.)

1. *When necessary, &c.*

When may be granted.

Upon suspicion.

168,) or Lords, (*R. v. Flower*, 8 T. R. 314;) by justices of g (1 *Leach*, 116,) or oyer and terminer, (*Hale*, 599;) justices (*Ib.*;) or by a judge of the Court of Queen's Bench. (1 *Hale*, *nard*. 28.) It is most usually granted by a single justice o (4 *Bla. Com.* 290; 1 *Chit. C. L.* 34.)

In all cases of treason, felony, or actual breach of the pe trate may, on a proper charge made, or on his own view, iss to apprehend the suspected offender. (2 *Hale*, 72, 78; 2 *Butt v. Conant*, 1 B. & B. 548.) Also, for every misdemeano indictable at sessions, and which subjects the delinquent punishment, though it does not amount to a breach of the pe of the peace may issue his warrant to apprehend the charged the ground that the law impliedly affords power to issue a w it gives jurisdiction over the offence; and perjury, by statute and libels, and nuisances, when persisted in, subject the offe criminal process. (1 *Chit. C. L.* 13; *Butt v. Conant*, 1 B. *Moore*, 195, S. C.; 2 *Haw. c.* 13; 12 *Rep.* 131.) And th misdemeanours for which particular acts of parliament expre a justice of the peace to issue his warrant.

Lord *Hale* proves at large, contrary to the opinion of (4 *Inst.* 177,) that a justice hath power to issue a warrant a person *suspected* of felony, before he is indicted; and th original suspicion be not in himself, but in the party th warrant. (2 *Hale*, 107, 110.) For the justices are judge sonableness of the suspicion, and when they have examin accusing touching the reasons of his suspicion, if they find suspicion to be reasonable, it is now become the justices' well as theirs. (2 *Hale*, 79, 80.) And in another place, spe opinion of Lord *Coke*, he delivers himself seemingly wi warmth not usual to him: "I think," says he, "the law the constant practice, in all cases, hath obtained against it, be pernicious to the kingdom if it should be as Lord *Cok* for malefactors would escape unexamined and undiscover may have a probable and strong presumption of the guilt whom yet he cannot positively swear to be guilty." (1 *Hal Hawkins* likewise seems to be of the same opinion again but delivereth himself with his wonted caution and candour probable," he says, "that the practice of justices of the pea to this matter, is now become a law, and that a justice n granting of a warrant for the arrest of any person, upon st of suspicion, for a felony, or other misdemeanour, before a hath been found against him; yet inasmuch as justices clai rather by connivance than any express warrant of law, and due execution of it may prove so highly prejudicial to the well as the liberty of the party, a justice cannot well be too proceedings of this kind, and seems to be punishable not o of the king, but also of the party grieved, if he grant any groundlessly and maliciously, without such a probable caus duce a candid and impartial man to suspect the party to b *Haw. c. 13. s. 12.*)

justice says, "It is safe, but perhaps not necessary, in the warrant, to show the place where it was made; yet it seems set forth the county, in the margin at least, if it be not set out by." (2 *Haw. c.* 13, s. 23.)

Directed to the sheriff, bailiff, constable, or to any indifferent person, who is no officer; for the justice may authorize any one person, whom he pleases to make such; yet it is most advisable to direct to the constable of the district or precinct wherein it is to be executed, and, *à fortiori*, no private person, is to execute it, and the constable alone can in general be neglecting or refusing to execute it. (2 *Haw. c.* 13, s. 27; 2 *Hale*, 110.)

In the case of an act of parliament, it is said, that if the act directs that a warrant shall be granted, and do not say to whom it shall be directed, in consequence of law, it must be directed to the constable, and not to the sheriff, unless such power be given in the act. (1 *Lord Raym.* 1192; 2 *Salk.* 381, S. C.; *sed vide Blatcher v. Bla.* 15.)

Warrants directed to the constable or constables by name, and two or more jointly and severally, any one may execute it, and it is usually directed to the constable of the district general, naming him, "and to all other officers of the peace within the district." In *R. v. Weir and others*, (1 *B. & C.* 288; 2 *D. & R.* 100) a warrant of distress for a poor's rate, directed to the constables without naming them as individuals, was held not legally to take them out of their jurisdiction, viz., in St. Paul's, Deptford. And, by the 5 *Geo. IV. c.* 18, s. 6, constables may execute warrants in their precincts, provided the place in which such warrants

christian name, assigning no reason for the omission, nor giving distinguishing particulars of the individual ; and the conviction of because he had resisted, was held wrong. (*R. v. Hood*, 1 M. &

If there be a mistake in the name of the supposed offender, name of the officer be inserted without authority, and after the the warrant, or if the officer exceed the limits of his autho be killed, this will amount to no more than manslaughter in t whose liberty is thus invaded. (*Fost.* 312 ; *Cole v. Hindson*, 6 7

But if the warrant be filled up by the magistrate before he though after he signed it, the proceeding is regular, and killing endeavouring to arrest the party is murder. (*R. v. Inhabitants*, 8 T. R. 455 ; 2 *Leach*, 929.)

General warrant.

A general warrant, upon a complaint of robbery, to app *persons suspected*, and to bring them before a justice, hath l void ; and false imprisonment lies against him that issues such (1 *Hale*, 580 ; 2 *Hale*, 112.) So, a general warrant to appr authors, printers, and publishers of a libel, without naming them (*Money v. Leach*, 1 *Bla. Rep.* 555 ; 19 *Howell's St. Tr.* 1002.)

General warrants, to take up loose, idle, and disorderly peop v. *Leach*, 3 *Burr.* 1766. See *ante*, "*Vagrants*," and search (2 *Haw. c.* 13, s. 11. See *title*, "*Search-Warrants*," Vol. V.,) a the only exceptions to this rule. See as to general warrant: for defective weights and measures, *post*, "*Weights and Meas*

Statement of
offence.

Regularly, the warrant, if it be for the peace or good behavio like, where sureties are to be found or required, ought to c special cause and matter whereupon it is granted, to the inter party upon whom it is to be served may provide his sureties : take them with him to the justice to be bound for him ; but i rant be for treason, murder, or felony, or other capital offen great conspiracies, rebellious assemblies, or the like, it hath bee it needeth not to contain any special cause, but the warrant of may be to bring the party before him, *to make answer to such matters generally as shall be objected against him on the Quee* (*Dalt. c.* 169 ; 2 *Haw. c.* 13, s. 25 ; 2 *Hale*, 111 ; 1 *Chit. C. L.*

But Mr. *Lambard* says, "every warrant made by a justice of

a not returnable at any particular time, but continues in fully executed and obeyed, though it were seven years, magistrate so long live. (*Per Lord Kenyon, C. J., Dickinson's N. P. 234; 1 Esp. 218, S. C.*)

Return of warrant, and how long in force.

arrest the party, "to the end that he may become bound, the next sessions," &c., means the next sessions after the after the date of the warrant. Therefore, the officer ex-ustify an arrest after the sessions next ensuing the date of *Jaynes v. Parker and others*, 8 T. R. 110.)

need not be returnable at a place certain. (4 *Bla. Com.*

may issue to bring the party before the justice who rant specially, and then the officer is bound to bring him justice; but if the warrant be to bring him before any s in the election of the officer to bring him before what nty he thinks fit, and not in the election of the prisoner. *Hale*, 112.)

Before what justice party to be brought.

t forth the year and day wherein it is made, that, in an upon an arrest by virtue of it, it may appear to have been rest; and also, in case where the statute directeth the e within such a time, that it may appear that the prosecu- ed within such time limited: likewise, where a penalty is or of the parish where the offence shall be committed, or t to specify the place where the offence was committed. 22.)

Date and place.

meral better to state the place where the warrant is made.

; under the hand and seal of the justice who makes it 13, s. 21; 2 *Sessd.* 305, s. 13.)

Hand and seal of Justice.

a particular statute, however, may dispense with the war- seal. Thus, in *trover*, where defendant justified, under stress, for a penalty under 9 Geo. II. c. 23, for selling rs without a licence, it appeared, on case reserved, that signed by two justices, but not sealed: the court held cient, as the 12 Car. II. c. 24, s. 25, to which the statute red authorized the issuing of warrants under their

ascertained, they signed an order to the overseers to suspend execute the warrant of distress. This was delivered to one of the overseers, who nevertheless distrained, an action of trespass being brought against him. It was held that the justices had no power to set aside the order, on account of a doubt as to the correctness of the balance. The defendant therefore was acting under a legal warrant, and was entitled to a demand of a copy of the warrant under stat. 24 (1844, s. 6. (See *R. v. Justices of Cheshire*, 5 B. & Adol. 439; 2727, S. C.)

III. Backing of Warrants, &c.

Unless backed it must be executed in county. The warrant of a magistrate cannot be executed out of his county unless it be *backed*: that is, indorsed by a justice of the county in which it is to be carried into execution. (2 Hale, 115.)

Person being out of the jurisdiction of the justice, who shall grant a warrant, By statute 24 Geo. II. c. 55, s. 1, "In case any person, against whom a warrant shall be issued by any justice or justices of the peace for any offence committed within this county, riding, division, city, liberty, town, or place within this jurisdiction, shall escape, go into, reside, or be in any other county, riding, city, liberty, town, or place out of the jurisdiction of the justices granting such warrant as aforesaid, it shall and may be lawful for any justice or justices of the peace of the county, riding, division, liberty, town, or place where such persons shall escape, go into, reside, or be, and such justice or justices is and are hereby required, upon being made upon oath, of the handwriting of the justice or justices granting such warrant, to indorse his or their name or names on the warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justice or justices granting such warrant as aforesaid, and to arrest and carry such offender or offenders before the justice who indorsed the warrant, or some other justice or justices of such other county, riding, division, city, liberty, town, or place where such warrant was

how to be dealt with.

or are required to appear by virtue of such recognizance; ^{or power}
 recognizance, examination, or confession shall be as good and
 w, to all intents and purposes, and of the same force and
 the same had been entered into, taken, or acknowledged
 ce or justices of the peace in and for the proper county,
 n, city, liberty, town, or place where the offence was com-
 ie same proceedings shall be had thereon; and in case such ^{Constables not de-}
 ingman, or other person to whom such recognizance, exa- ^{livering over.}
 fession, or other proceedings shall be delivered as afore-
 use or neglect to deliver over the same to the clerk of assizes,
 : peace of the county, riding, division, city, liberty, town, or
 uch offender is required to appear by virtue of such recog-
 constable, tithingman, or other person shall forfeit the sum
 ecovered against him by bail, plaint, or information, in any ^{Penalty.}
 's courts at Westminster, by any person or persons who
 : or sue for the same; wherein no essoign, protection, or
 shall be allowed, or more than one imparlance; and in case ^{If offence not}
 which such offender or offenders shall be apprehended and ^{ballable, &c.,}
 other county, riding, division, city, liberty, town, or place,
 ailable in law, or such offender or offenders shall not give
 pearance at the next assizes or general gaol delivery, or next
 ex-sessions of the peace, to be held in and for the county,
 n, city, liberty, town, or place where the offence was com-
 : satisfaction of the justice before whom such offender or
 l be brought in such other county, riding, division, city,
 or place; then, and in that case, the constable, tithingman, ^{how offender to}
 m or persons so apprehending such offender or offenders, ^{be dealt with.}
 id convey such offender or offenders before one of his
 ices of the peace of the proper county, riding, division,
 own, or place where such offence was committed, there to
 according to law."
 tice may further order (if he think fit) the party, according
 pear bailable or not bailable upon the face of the warrant, to
 efore himself, or some other justice or justices of that
 be carried back into the county from whence the warrant

24 Geo. II. c. 55.

Offenders escap-
ing from Scotland,
may be appre-
hended and re-
turned.

Great Britain called Scotland, then, and in every such case, to convey him, her, or them into any county of that part of Great Britain called England, next adjacent to that part of Great Britain called Scotland, before one of the justices of peace of such county, which justice is hereby authorized and required to proceed with regard to such person or persons, in the manner directed by an act made in the tenth year of the reign of his majesty king George the Second, in relation to an Act for amending and making more effectual a Clause in an Act made in the last Session of Parliament, for the apprehending of any person or persons who shall escape from any County or Place, upon Warrants granted by Justices of the Peace of any other County or Place,' as if the said person or persons were apprehended in the said county."

Sect. 2. " From and after the passing of this act, if any person or persons against whom a warrant shall be issued by the lord justice of the chief-justice clerk, or any of the lords commissioners of the great council, or any sheriff or steward depute, or substitute, or justice of the peace of that part of Great Britain called Scotland, for any crime or offence against the laws of that part of the United Kingdom, shall escape, go into, or be in any place of that part of Great Britain called England, or Wales, it may be lawful for any justice of peace of the county, riding, liberty, town, or place where such person or persons shall escape, reside, or be, to indorse his name on the said warrant, which when so indorsed, shall be a sufficient authority to the person or persons to whom such warrant is directed, and to all persons to whom such warrant is directed, to execute the said warrant in the county, riding, division, city, liberty, town, or place where such warrant is so indorsed, to execute the said warrant in the county, riding, division, city, liberty, town, or place where it is so indorsed, by apprehending the person or persons against whom such warrant is granted, and to convey him, her, or them into the county or place of that part of Great Britain called Scotland, being adjacent to that part of Great Britain called England, where the crime was committed; and before the sheriff or steward depute, or substitute, or one of the justices of the peace of such county or place, to be there dealt with according to law; or in any county next adjacent to that part of Great Britain called England, where the crime was committed in a county not next adjacent to that part of Great Britain called England, then, and in such case, to convey him, her,

r persons shall escape, go into, reside, or be, to indorse his warrant, which warrant, so indorsed, shall be a sufficient warrant to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed, and also to all constables, peace-officers of the county, stewardry, riding, division, town, or place where such warrant shall be so indorsed, to execute the said warrant in the county, riding, division, city, liberty, or place where it is so indorsed, by apprehending the person or persons to whom such warrant is granted, and to convey him, her, or them by the most direct way into Ireland, and before one of the justices of the county in Ireland, living near the place and in which he, she, or they shall arrive and land; which justice of the peace is hereby required to proceed with regard to such person or persons as the said person or persons had been legally apprehended in England or Ireland."

the same provision is made as to offenders escaping from Scotland into Ireland, being apprehended and conveyed back into England or Scotland.

4 Geo. III. c. 186, after reciting the 13 Geo. III. c. 31, 44 Geo. III. c. 92, repeals the fifth and sixth sections of the said act, and enacts, sect. 2, "That from and after the date of the said act, all warrants issued in England, Scotland, or Ireland may and shall be indorsed and executed, and enforced and carried into effect in any part of the United Kingdom, in such and the like manner as by the said first recited act of the thirteenth year of the reign of his said majesty, in relation to warrants issued or granted in England and Scotland respectively, as fully and effectually, to all intents and purposes, as if all the provisions of the said act were in this act severally repeated and re-enacted, and made part of this act, as to the United Kingdom, and as to all justices of the peace, constables, or other officer or officers of the peace in England and Scotland respectively."

It shall be lawful for any judge of any of his majesty's courts of record in Westminster, of the court of sessions in the county of Middlesex, or of any of the courts of great sessions in Wales, or in any of his majesty's courts of record in Dublin, to in-

Warrants may be indorsed and acted upon in either country, as by 13 Geo. III. c. 31, ss. 1, 2.

Judges, in either country, to indorse letters of second diligence.

Exchequer, &c.

Parties not bailed,
nor bailed,
shall be remanded
to custody as un-

warrant, such judge or justice or justices by whom such
indorsed, or before whom any such offender or offenders shall
shall and may proceed with such offender or offenders, and
him, her, or them, according to the exigence of the said
same manner as the judge or justice who originally issued
should or might have done; and such judge or justice
taking bail as aforesaid shall take the recognizance or bail
said offender or offenders, and of his, her, or their bail, in
shall deliver one of such duplicates to the constable, or to
officers, or person or persons so apprehending such offender
as aforesaid, who are hereby required to receive the same, and
or cause to be delivered, such recognizance or bail-bond to
the crown, or clerk of the peace, or other proper officer for
same, belonging to the court in which by such recognizance
such offender or offenders shall be bound to appear, and
zance or bail-bond shall be as good and effectual in law,
and purposes, and of the same force and validity, as if the
entered into, taken, or acknowledged before a judge or justice
of the peace of the county, stewartry, city, town, liberty, or
the offence was committed; and the said judge or justice
taking bail as aforesaid, shall transmit the other of such du-
Court of Exchequer of such part of the United Kingdom
bail shall be taken, there to be kept of record; and it shall
lawful for the court, in which any person so bound to appear,
his or her said recognizance or bail-bond, to transmit a cer-
fying the forfeiture thereof, under the seal of the court,
hand and seal of one of the judges or justices of the same
of Exchequer, in that part of the United Kingdom in which
nizance or bail-bond shall have been taken; and it shall
lawful for such Court of Exchequer to proceed upon such
levy the sum so forfeited, in the same manner in which the
upon any recognizance or bail-bond, taken and forfeited w-
part of the United Kingdom, and estreated in due course
court: Provided always, that if such offence be not bailed,
such offender or offenders shall not give bail for his, her, or
ance, according to the exigence of such warrant, the said

an arrest for a *felony* may be executed in any franchise in
Hale, 116.)

directed to *several* may be executed by any one of them; (1 By whom.
;) but if directed to two or more *jointly* only, it seems all
t. (*See Boyd v. Durand*, 2 *Taunt.* 161; *Co. Lit.* 181 b.;
Id., 355.)

party named in the warrant employs others to assist him, he
is as to be acting in the arrest, in order to render it legal.
Id., *Cowp.* 66.)

may be executed at any time while it is in force. (*Mackal-* Time of execu-
p. 65; 1 *East's P.C.* 324; *Lawrence v. Hedger*, 3 *Taunt.* tion.

already seen how long it continues in force, *ante*, 357.

the night is good, both at the suit of the queen and of the
party may escape. (9 *Rep.* 66.)

l. c. 7, s. 6, an arrest for treason, felony, or breach of the
made on Sunday. (*See "Lord's Day,"* Vol. III.)

. *Barker*, (8 *T. R.* 110,) it was held that a warrant to arrest
is and that he may become bound to appear at the *next*
means the *next sessions after the arrest*, and not after the
ant; therefore the officer executing it may justify an arrest
is next ensuing the date of the warrant.

y, it seems, he twice apprehended under the same warrant,
of the warrant have not been effected. (*Dickenson v.*
Rep. 234.)

son cannot raise power to arrest or detain a felon. (1 *Hale*, Taking the power
of the county.

1. *Mode of executing, &c.*

But any justice, or the sheriff, may take of the county any man he shall think meet, to pursue, arrest, and imprison traitors, robbers, and other felons, or such as do break or go about to disturb the king's peace; and every man, being required, ought to aid them, on pain of fine and imprisonment. (*Dalt. c. 17*)

It is not justifiable for a justice, sheriff, or other officer, to assemble a *posse comitatus*, or raise a power or assembly of people, upon heads, without just cause. (*Id.*)

But, where a justice, sheriff, or other officer, is enabled to the power of the county, it seemeth they may command and require the aid and attendance of all knights, gentlemen, yeomen, husbandmen, labourers, tradesmen, servants, and apprentices, and of all other men being above the age of fifteen years, and able to travel. (*Id.*)

Women, ecclesiastical persons, and such as be decrepit or disabled, are not to be compelled to attend them. (*Id.*)

And, in such case, it is referred to the discretion of the justice or other officer, what number they will have to attend on them, and after what manner they shall be armed or otherwise furnished.

Sheriff may depute.

If a warrant be directed to the sheriff, he may command an under-sheriff, or other sworn and known officer, to serve the warrant, without writing any precept. But if he will command another man than an officer to serve it, he must give him a written precept; otherwise a writ of false imprisonment will lie. (*Lamb. 89.*)

But every other person to whom it is directed must personate an officer; yet it seems that any one may lawfully assist him. (*2 Haw.*)

Directions of warrant to be observed strictly.

The directions of the warrant must be strictly observed, in executing it will not be justified in his acts, and may be treated as a trespasser; as, if the warrant be to arrest A., and he arrest B. (*Dig. Imprisonment (B.); 2 Haw. c. 13, s. 31; Price v. Messers P. 162; Bell v. Oakley, 2. M. & Sel. 261. See also "Constable"*)

Showing the warrant.

A person sworn and commonly known, and acting within his jurisdiction, need not show his warrant, but he ought to acquaint the party with the substance of it. (*2 Haw. c. 13, s. 28.*)

Or giving notice of.

An officer giveth sufficient notice what he is when he saith, "I arrest you in the queen's name;" and, in such case, the party is in peril ought to obey him, though he knoweth him not to be an officer, if he have no lawful warrant, the party grieved may have a writ of false imprisonment. (*Dalt. c. 169.*)

But the learned editor of *Hale's* history observes hereupon that the books referred to intend the general warrant constituting such an officer, as a bailiff or the like, in a civil action; though it may be lawful in case of felony, because, in such case, a private person may arrest a felon without any warrant at all. (*2 Hale, 116; 1 Id. 458.*)

In *Hall v. Roche*, (8 T. R. 188,) the doctrine that even a constable is not obliged to show his authority when demanded, was considered dangerous, because it may affect the party criminally in case of error, and, if homicide ensue, the legality of the warrant enters into the merits of the question. And Lord Kenyon observed, that he did not think a person is bound to take it for granted, that another has a warrant against him, without producing it, speaks truth.

What an arrest.

A warrant was issued to apprehend the plaintiff upon a conspiracy; a constable went to the plaintiff's house with the warrant, showed it to him, allowed him to take a copy of it, and then accompanied by the plaintiff to the magistrate, who, after examining the plaintiff, dismissed him. Trespass for assault and false imprisonment was brought against the magistrate, and a verdict was given for the defendant. Showing cause against a rule for setting aside the verdict, Sir C. J., held, that, as the plaintiff went voluntarily before the magistrate, the warrant being made no other use of than as a summons, the arrest, and therefore the verdict was right. (*Arrowsmith v. Arrowsmith, 2 N. R. 211. See Russen v. Lucas, 1 C. & P. 153.*)

person authorized to arrest another, who is sheltered in a house, may quietly to enter it, in order to take him, it seems generally that he may justify breaking open the doors in the following

When allowed.

capias grounded on an indictment for any crime whatsoever, a *capias* from the Chancery or King's Bench, to compel a sureties for the peace or good behaviour, or even upon a warrant of peace for such purpose. (2 *Haw. c.* 14, *s.* 3.)
If a person has been guilty of a contempt of court, and process has been issued against him for it, outer doors may be broken open to execute the same. *see* *Case*, *Cro. Eliz.* 909; 5 *Rep.* 92, *c.* And see *Burdett* *last*, 157.)

On a *capias* or indictment, or for sureties of peace, &c., or warrant.

Contempt of court.

If a person is known to have committed a treason or felony, or to have given a dangerous wound, is pursued either with or without a warrant by a constable or private person; but where one lies under a warrant only, and is not indicted, it seems the better opinion is, that *Hawkins* says (*c.* 14, *s.* 7), that no one can justify the breaking open of doors in order to apprehend him. And this opinion he follows in *4 Inst.* 177, and *Hale's Pleas of the Crown*, 91.

Pursuit for treason or felony.

If a warrant for probable cause of suspicion of felony, the same is issued, and such warrant is directed may break open doors to take the person suspected, if upon demand he will not surrender himself, where there had been an express and positive charge against him; but it hath the common practice obtained, notwithstanding the opinion of Lord Coke; for, in such case, the process is for a *habeas corpus*, and therefore a *non omittas* is implied. (1 *Hale*, 580, 583; 2

By warrant on suspicion only.

may break open such person's own house, so much more may he break open another's house.

In house of another.

4. *Mode of executing, &c.*

Distinction between private persons and officers.

Warrant where king a party.

To prevent murder.

Search warrant.

Forcible entry. &c.

Capias utlagatum, &c.

Levying a forfeiture, &c.

Affray in house.

Disorderly house, &c.

Escape after arrest.

On a general warrant not allowed.

Nor on warrant not granted on precedent offence.

In civil process.

may he break open the house of another to take him; for a may do upon a civil process; but then he must at his peril: felon be there; for, if the felon be not there, he is a trespasser whose house it is. (2 *Hale*, 117; *Semayne's case*, 5

But it seems that he that arrests as a *private man*, barely upon felony, cannot justify the breaking open of doors to arrest suspected, but he doth it at his peril; that is, if in truth he then it is justifiable, but if he be innocent, but upon a reason suspected, it is not justifiable. (1 *Hale*, 82.)

But a *constable* in such case may justify, and the reason is this: because in the former case it is but a thing; private persons to arrest for suspicion, and they are not permitted to omit it; and therefore they cannot break open doors. In case of a constable, he is punishable if he omit it upon colour. (*Hale*, 92.)

And, in general, an officer, upon any warrant from a justice for the peace, or good behaviour, or in any case where the king may by force break open a man's house, to arrest the offender. (c. 169.)

It is justifiable for a private person to break and enter the house of another, and imprison his person, in order to prevent him from committing a wife. (*Handcock v. Baker*, 2 *B. & P.* 260.)

(3.) On a warrant to search for stolen goods, the doors may be open, if the goods are there; and if they are not there, the person seems indemnified, but he that made the suggestion is punishable. (*Hale*, 151.)

(4.) Where forcible entry or detainer is found by inquiry of the justices of the peace, or appears on their view. (2 *Haw. c.* 1

(5.) On a *capias utlagatum*, or *capias pro fine*. (*Id. s.* 2.)

(6.) On the warrant of a justice of the peace for the levy of a forfeiture, in execution of a judgment, or conviction for it, ground on a statute, which gives the whole or any part of such forfeiture. (*Id. s.* 5.)

(7.) Where an affray is made in a house, in the view or hearing of a constable, he may break open the doors to take them. (1 *H. c.* 16; 2 *Haw. c.* 14, s. 8.)

(8.) If there be disorderly drinking or noise in a house at a late time of night, especially in inns, taverns, or ale-houses, or in a house, or his watch, demanding entrance, and being refused, may break open the doors, to see and suppress the disorder. (2 *Hale*, 95.)

(9.) Wherever a person is lawfully arrested for any cause, and afterwards escapes, and shelters himself in a house. (2 *Haw. c.* 1

(10.) But upon a general warrant, without expressing a particular treason, or surety of the peace, the officer cannot break open doors. (*Hale*, 584.)

(11.) Neither ought doors to be broken open to take a person, unless he is required to take certain oaths by virtue of a statute, because in such case the warrant is not grounded on a precedent offence. (14, s. 11; 12 *Rep.* 131.)

(12.) In a civil suit, the officer cannot justify the breaking open of a ward door or window, in order to execute process. If he find a trespasser. But if he findeth the outward door open, and a way, or if the door be opened to him from within, and he may break open inward doors, if he findeth that necessary to execute his process. (*Fost.* 319. See *Tidd's Prac.* 9th ed. 1

For a man's house is his castle, for safety and repose to himself and family; but if a stranger, who is not of the family, upon a pretence of refuge in the house of another, this rule doth not extend to him. If not his castle, he cannot claim the benefit of sanctuary there. (c. 320. See *Semayne's case*, *supra*.)

And it is always to be remembered that this rule must be

ch person, either upon the attempt to arrest, or after the An assault with
 it the officer, to the intent to make his escape from him, and intent to escape.
 standing upon his guard, kill him, this is no felony; for he
 to go back to the wall, as in common cases of *se defendendo*,
 s his protection. (2 Hale, 118; 1 East's P. C. 302.)

s a warrant issueth against a person for felony, and either Flight for felony.
 : or after he flies and defends himself with stones or weapons,
 officer must give over his pursuit, or otherwise cannot take
 : killing him, if he kill him, it is no felony. And the same
 constable that doth it by virtue of his office, or on hue and

here must be these cautions: 1. He must be a lawful officer;
 it be a lawful warrant. 2. The party ought to have notice of
 of the pursuit,—namely, because a warrant is against him.
 s a case of necessity, and that not such a necessity as in the
 where an assault is made upon the officer; but this is the
 namely, that he cannot otherwise be taken. (2 Hale, 119; 1
 312.)

cent person be indicted of a felony, where in truth no felony After indictment.
 ted, and will not suffer himself to be arrested by the officer
 rarrant for that purpose, he may lawfully be killed by him, if
 urtherwise be taken; for there is a charge against him upon
 hich, at his peril, he is bound to answer. (1 Haw. c. 28, s.
 Homicide," Vol. III.)

gh a private person may arrest a felon, and if he fly, so as he Private person.
 ken without he be killed, it is excusable in this case for the
 st it is at his peril that the party be a felon; for if he be inno-
 felony, the killing (at least before the arrest) seems at least
 r; for an innocent person is not bound to take notice of a
 on's suspicion. (2 Hale, 119.)

ffence of a very high nature to oppose one who lawfully en- Opposing the
 arrest another for treason or felony; and it seems that a execution.
 so opposes an arrest for treason, whereof he knows the party
 : guilty, is thereby guilty of the treason: and that he who so

By an officer by
warrant.

If the arrest be by virtue of a warrant, when the officer
arrest, he is forthwith (see *Wright v. Court*, 4 B. & Cres.
the party, according to the direction of the warrant. If it
party before the justice who granted the warrant speci
officer is bound to bring him before the same justice; but
be to bring him before any justice of the county, then it is
of the officer to bring him before what justice he thinks
the election of the prisoner. (*Foster's case*, 5 Rep. 59, b.;
2 Hale, 112.)

But if the time be unseasonable, as in or near the night
cannot attend the justice, or if there be danger of a presen
the party be sick, he may secure him in the stocks, or in a
next day, or such time as it may be reasonable to bring him
120. See *Wright v. Court*, *supra*. "Arrest," Vol. I.)

And when he hath brought him to the justice, yet he is
his custody till the justice discharge, or bail, or commit him

Returning the
warrant.

But, it is said, the constable is not obliged to return the
but may keep it for his own justification, in case he should
for what he had done, but only to return what he has done
v. Wyatt, 2 Ld. Raym. 1196; 1 East's P. C. 319.)

And this seems to be implied in the 24 Geo. II. c. 44, s. 6
that no action shall be brought against any constable, he
other officer, or against any person or persons acting by hi
his aid, for anything done in obedience to any warrant und
seal of any justice of the peace, until demand hath been m
the usual place of his abode, by the party or parties inter
such action, or by his, her, or their attorney or agent, in v
by the party demanding the same, of the perusal and copy
rant, and the same hath been refused or neglected for th
days after such demand, &c. (See *this enactment*, and the c
it, title "Constable," Vol. I.)

VI. Forms.

To the constable of and all other peace off

Forasmuch as proof upon oath hath been made before me, J. P., (4.) Form of back-
Bey., one of her majesty's justices of the peace for the said county of ing of or indorse-
, that the name J. P. is of the handwriting of the justice of ment on war-
this mentioned, I do hereby authorize A. C., who bringeth to me rant.
, and all other persons to whom the said warrant is directed, to
same within the said county of . Given under my hand, the
f , in the year .

I. *The Duty, &c. of Watching at Common*

- Watch and ward. **W**ATCHING is properly intended of the night, and w
day-time. (*Dalt. c. 104.*)
- By individuals in
general. It seems to be agreed that every inhabitant is bound to
his turn, or to find another. (*2 Haw. c. 13, s. 4; Co. Lit.*
204.)
- But they are not compellable to watch at the will of the
only when their turn cometh; which was the ancient custom
law. (*Dalt. c. 104.*)
- And the watching and warding ought to be by men ab
sufficiently weaponed. (*Id.*)
- And therefore a woman required to watch may procure
for her. (*Comb. 243.*)
- By the constable. There is a watch that may be kept by the constable,
times; as by the 5 Edw. III. c. 14, for night-walkers, and
cious by night or day. (*2 Hale, 97.*)
- And, although a constable be not bound to any precise
kind of watch, nor punishable if he omit it, barely for the
be ready upon occasion to do his office when required in the
is in his power to hold such watches as often as he please
venient and justifiable; and herein the watchmen are the
assistants of the constable, and are under the same protection
and may act as he doth. (*2 Hale, 97.*)
- Yea, it is holden that every private person may, by the
arrest any suspicious night-walker, and detain him till
account of himself. (*2 Haw. c. 13, s. 6; 2 Inst. 52; Law*
3 Taunt. 14; also title "Vagrants," ante. See "Arrest,"
- By justices. There is also another kind of watch, which is by authori
ties of the peace, which also may be held at any time:
thus appointed hath the same power as either of the former
seems to be within the power of any one justice. by the

wards, see "*Howards*," Vol. V.)

person refuse to watch in his turn at the commandment of the Parishment for the latter may present the default at the assizes or sessions, or in thereof to any justice of the peace, who may bind the he good behaviour, and so over to the next sessions. (*Dalt. c. he may be indicted for the refusal. (2 Haw. c. 13, s. 4, ante, " Vol. I.)*

it is to be noted, that in *Stretton v. Browne*, (*Cro. Eliz.* 204,) *Stretton* cites for his authority in this matter, it is not said that my bind him to the good behaviour, but only thus,—that he punishment upon the refuser.

Watching and Lighting, as regulated by Statute.

ching and the powers and duties of the police in London and "*Police*," Vol. V. Watching, &c.
and police in Lon-
don and suburbs.

ching and lighting in boroughs, &c., under the Municipal Act, see "*Corporations*," Vol. I. In municipal cor-
porations.

3 & 4 Will. IV. c. 90, intituled "*An Act to repeal an Act of Year of His late Majesty King George the Fourth, for the Lighting of Parishes in England and Wales, and to make other Pro- re thereof*," (28th August, 1833,) a variety of provisions is In parishes in
general.
By 3 & 4 Will. IV.
c. 90.

a watching and lighting of parishes by the appointment of and patrols, &c., who are to be sworn in and have the power s; but the act does not make it compulsory on parishes to ovisions, and if adopted the provisions may be abandoned care by a simple majority of the rate payers; see sect. 15.

. Reciting, "Whereas an act was passed in the eleventh year of his late majesty king George the Fourth, intituled '*An Act to ion for the Lighting and Watching of Parishes in England and l whereas doubts have arisen as to the construction of some of is of the said act, and it is expedient that the said act should and that other provisions should be substituted in lieu is enacted, "That from and after the passing of this act the ed in the eleventh year of the reign of his said late majesty* Repeal of 11 Geo

2. *By Statute.*

3 & 4 Will. IV.
c. 90.

Inspectors under
former act to con-
tinue to act until
others appointed.

Act applicable to
all parishes in
England and
Wales.

On application of
three rated inha-
bitants, church-
wardens to con-
vene a meeting in
vestry to deter-
mine whether the
provisions of this
act shall be
adopted.

Chairman to be
elected, who shall
determine any
controversies.

Chairman to read
requisition, and
require persons
to determine
whether act shall
be adopted.

If meeting deter-
mine to adopt
this act, the pro-
visions thereof
shall thenceforth
take effect.

Inhabitants to fix

Sect. 3. Provided always, "That the inspectors appointed by the authority of the said recited act shall continue to act, and shall have the same powers, authorities, and be subject to the discharge of the same duties as the inspectors to be appointed under the authority of the said act. (As to the mode of electing inspectors, see *post*, s. 18, &c.)"

Sect. 4. And whereas it is desirable to make provision for the watching and lighting of the several parishes in England and Wales; be it enacted by the Queen's most Excellent Majesty in Council, "That this act, and the several provisions thereof, shall apply to and be adopted, under and subject to the regulations herein contained, in or for any or either of the parishes in England and Wales." (See *post*, ss. 72 and 73.)

Sect. 5. "From and after the passing of this act, upon the application in writing of three or more of the rate-payers of any parish, it shall be lawful for the churchwardens thereof, and they are hereby empowered, within ten days after the receipt of such application, to appoint and notify a time and place for a public meeting of the rate-payers of the said parish, for the purpose of determining whether the provisions in this act contained shall be adopted and carried into effect in the said parish: Provided always, that the time of holding the said meeting shall not be less than ten days and not more than twenty-one days from the time of the said application being delivered to them as aforesaid, and that notification of the time and place of meeting shall be made by forthwith affixing a notice on the outer door of every parish church or chapel situate within the parish, or on the usual place of affixing notices relating to the parish, or of any such parish, and also by publication of the same in the parish church or chapel on the Sunday previous to the day appointing such meeting, during or immediately after divine service, according to the *Forms*, Nos. 4 and 5. See *post*, sect. 14, as to who are to be elected *"Rate-Payers."*)"

Sect. 6. "That such person as may be elected by the rate-payers of the said parish shall preside as chairman at such meetings; and that if any controversy shall arise at any such meeting as to the qualification or right of eligibility of any person claiming to vote, or as to the qualification or eligibility of any candidate, such controversy shall be determined by the chairman presiding at such meeting." (As to the qualification of the chairman and inspector, see ss. 14, 17.)

Sect. 7. "The chairman who shall preside at any meeting herein directed shall read or cause to be read the requisition for the meeting, and if the meeting shall have been summoned, and shall require the persons assembled thereat to determine by majority of votes, as hereinafter directed, whether the provisions of this act, as herein set forth, shall be adopted and acted upon within such parish: Provided that it shall be lawful for the majority of the rate-payers of the said parish to adjourn such meeting from time to time."

Sect. 8. "If at any such meeting it shall be determined by the majority of two thirds (a) of the votes of the rate-payers of the said parish, that the provisions of this act shall be adopted and acted upon in such case such provisions shall from thenceforth take effect in such parish; and it shall forthwith be determined by the majority of a certain number, not being more than twelve nor less than six, of the rate-payers, shall be elected to carry such purposes into effect, and the number of inspectors so determined upon shall be elected according to the provisions herein-mentioned." (See *post*, *Forms*, Nos. 4 & 5, and sect. 14.)

Sect. 9. "The rate-payers of such parish shall at their first

(a) This majority is required only at the original meeting here mentioned, for determining as to the adoption of the act, and as to the amount which the inspectors shall have power to call for in any year; a less majority shall suffice at other meetings subsequently. (See *Beechey M. & Wels.* 65, *post*, 37)

churchwardens of this parish [insert the name of the parish] having Form of notice.
 a demand for a poll, duly signed according to the provisions of an act
 with year of the reign of King William the Fourth, intituled An Act,
 ting out the title of the act], the rate-payers of this parish of [insert
 of the parish] are hereby required, all and each of them, on the
 next, and the following day, to signify to the said churchwardens,
 in writing, either printed or written, or partly printed or partly written,
 and delivered to one of the churchwardens at [insert here the place],
 as for or against the adoption of the aforesaid act, or so much
 as relates to watching or lighting [as the case may be], the amount of
 money to be raised in the succeeding year for the purposes thereof, being
 not the sum agreed on at the meeting], and the number of inspectors to
 be [insert the number also agreed on], such sum and such number of
 inspectors being fixed and determined upon at a meeting of the rate-payers called
 to the said act."

(Signed)

Churchwardens."

11. "The said declaration shall be to the following effect."

I, B., of Street [or 'place' or 'house'] in this parish of Form of declara-
 tion, do ['for' or 'against,' as the case may be], the adoption of the act of 1801.
 in the year of the reign of his majesty king William the Fourth, intituled
 &c. [set out title of the act], or so much thereof as relates to watching
 and lighting [as in the notice], the amount of the money to be raised in the suc-
 ceeding year for the purposes thereof, being [as in notice], and the number of
 inspectors to be elected [as in notice]."

12. "The said churchwardens shall carefully examine the votes Churchwardens
 delivered as aforesaid, and shall compare them with the last rate to examine the

Rate-payers may inspect votes.

Sect. 13. Provided always, "That any of the rate-payers of said parish, not exceeding five together, may inspect, at or in any room, or in some convenient place within the same parish, hereby empowered to inspect the votes so given for and against the adoption of this act, with the sum to be raised, and number of inhabitants elected as aforesaid, at all seasonable times within one month after notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and to permit and allow the examination thereof by the aforesaid rate-payers at the said parish at all seasonable times within the period aforesaid."

**No person to vote
unless he has
been rated one
year.**

Sect. 14. "No person shall be deemed a rate-payer, or vote, or do any other act, matter, or thing, as such, under this act, unless he or she shall have been rated to the poor for the whole year immediately preceding his so voting as such rate-payer, and shall have paid all the poor taxes and assessments due from him or her at the time of acting, except such as have been made or become due within six months immediately preceding such voting."

Notice of adoption of this act

Sect. 15. "Notice of the adoption of this act, (or any specifying it,) with the amount of the sum to be raised in the year, and the number of inspectors to be elected by any parish forthwith given by the churchwardens for the time being of such parish by affixing a notice of the same to the principal church and chapel within the said parish, or on the usual places of notices relating to the parochial affairs of such parish; and the provisions of this act shall from thenceforth take effect in operation in such parish: (*see post, Form No. 11:*) Provide it shall be lawful for the inhabitants present at any meeting in any manner herein directed, at any time after the expiration of the term of years therein expressed, or at any time after the time from the time when the provisions of this act shall have been determined to be in operation, to determine that the provisions of this act shall, from and after a certain day so to be determined by the meeting, cease to be acted upon: in which

to be affixed on
church door.

Act may be abandoned.

e been adjourned, or sooner, provided all persons duly qualified
 ous to vote shall have voted, and after the lapse of one hour with-
 erson offering to vote; and as soon after the close of the poll as
 ossible the result thereof shall be declared at the place where
 on may have been holden, and certified by the chairman to the
 of the poor; (*see post, Form No. 397,*) and the said church-
 shall be reimbursed all such reasonable charges and expenses as
 incurred in providing clerks and books, and otherwise in the
 ace of the duties hereby required of them by the candidates at
 election for the said office: Provided nevertheless, that if the
 e of this act are adopted at the meeting first called for that pur-
 said inspectors may be appointed at the same time by the rate-
 f such parish then present, unless a poll should be demanded,
 ch poll should be demanded it shall be proceeded with as herein

Inspectors may
 be appointed at
 first meeting.

18. "In every parish adopting the provisions of this act the in-
 shall, within one month next after the expiration of twelve calen-
 the from the day of such adoption, give notice to the church-
 of the said parish that they are ready to produce their accounts
 chers for the previous year, and thereupon the said churchwardens
 ve due notice, in the manner required with respect to the first

At the end of
 twelve months the
 inspectors to give
 notice to church-
 wardens that they
 are ready to pro-
 duce their ac-
 counts, and

the event of the meeting not
 the provisions of the act, it
 e proper that the chairman
 wish the churchwardens with
 thereof, that no other meeting

may be held in less than a year from
 that period. The form may be easily
 drawn up from that referred to at sec-
 tion 9. (*See Mr. Tidd Pratt's publi-
 cation on this Act, with notes, p. 10*).

2. By Statute.

3 & 4 Will. IV.
c.. 90.

churchwardens to
call a meeting for
that purpose.

Meetings in fu-
ture years.

Inspectors at
such meeting to
produce ac-
counts; one
third of them to
go out of office,
and others
elected.

Outgoing inspec-
tor eligible to be
re-elected.

Chairman to de-
cide questions as
to eligibility, &c.

How vacancies in
the number of
inspectors shall
be filled up.

Inspectors to
meet monthly.

Rated inhabitants
may prefer com-
plaints.

Special meetings
of inspectors.

Quorum.

meeting to be held under this act, that a meeting of the rate-payers of the said parish will be held at an hour and place in the said parish to be mentioned, on some day, not being a Sunday, within ten days after the receipt of such notice, for the purpose of the said inspectors producing such accounts and vouchers, and for the election of inspectors for the execution of this act, and for determining the amount of the rate to be raised for the purposes of this act, for the current year, and for every future year such meeting shall, for the purposes aforesaid, be held on the same day in the corresponding month, except such day being a Sunday, and then on the day following." (*See post, Form No. 15.*)

Sect. 19. "At such annual meeting the said inspectors shall produce their accounts and vouchers of all monies received and paid under this act for the previous year; and a duplicate or copy of such accounts shall be verified on oath before any two justices by the said inspectors, and shall be deposited with the said inspectors, and shall be open to the inspection of all parties interested at all reasonable times to the inspection of all parties interested at such annual meeting one third of the inspectors, or as near the number appointed will admit of, shall go out of office, and in place of such inspectors so going out of office a like number of other inspectors shall be elected: Provided always, that any inspector so going out of office shall be re-eligible, and may be re-elected, and in such case continue to act and remain in office, any thing here to the contrary notwithstanding."

Sect. 20. "The chairman appointed to preside at such annual meeting shall proceed in such manner as the chairman at the first meeting held under this act is hereinbefore directed to proceed at the first meeting, and the inspectors to be first appointed for the execution of this act shall decide on questions which may arise as to the eligibility or ineligibility of any person whatsoever, and as to all matters whatsoever connected with the said election, and shall declare the result of the election as aforesaid."

Sect. 21. "In case any inspector shall die, or become disqualified, or change of residence or otherwise, or shall neglect to act, or in case of any casual vacancy happening in any manner whatever, so that the number of inspectors shall be reduced to less than three, notice of such vacancy shall be immediately given by the acting inspectors to the churchwarden of the parish, who shall forthwith, in the manner directed by this act, cause notice of such vacancy to be given to the rate-payers of the parish, and the meeting of the rated inhabitants as aforesaid, for the purpose of filling up such vacancy or vacancies." (*See post, Form No. 16.*)

Sect. 22. "The inspectors for executing this act in any parish shall meet on the first Monday in every month, at noon, at some place or office previously publicly notified; and at such monthly meeting it shall be lawful for any inhabitant rated to the relief of the said parish, to appear there, and prefer any matter of complaint, or which he may think proper to make concerning any matter or thing done, or to be done, in or out of force or in pursuance of or under pretence of the provisions of this act."

Sect. 23. "Such inspectors shall meet at all other times as at any previous meeting shall be determined upon; and in all cases competent for any one inspector, when three inspectors have been appointed, and in all other cases for any two inspectors, in writing under his or their hands, to summon, upon at least seven days notice, the inspectors for any special purpose therein named; for such time as shall be therein named; and that at all meetings of the inspectors any number not less than one third of the whole number of the inspectors shall have been appointed, and

(a) The resolution of a simple majority of the rate-payers voting at this meeting, or in case of a poll being demanded, of the rate-payers voting upon it, is sufficient to determine the amount to be raised for the purpose of

the act in a subsequent year, or in case of necessity for a majority of the rate-payers present at the meeting in the case of the original meeting under sect. 9, *ante*, 372. *Quentry, 10 M. & Wels.*

by virtue of or for the purposes of this act, and of how much
 shall have been expended and disbursed, and for what purposes,
 with proper vouchers for such payments; and that every such
 shall pay all such monies as shall remain due from him to the
 for the time being, or to such person or persons as the said in-
 shall appoint to receive the same; and if any such treasurer,
 or other person shall refuse or neglect to make and render such
 , or to produce and deliver up the vouchers relating to the same,
 the payments as aforesaid, or shall refuse or wilfully neglect to
 to the said inspectors, or to such person or persons as they shall
 to receive the same, within three days after being thereunto re-
 by the said inspectors by notice in writing (*see post, Form No. 17*),
 in hands and seals of any two or more of the said inspectors given
 at the last or usual place of abode of such officer, all books,
 and writings in his custody or power relating to the execution of
 or to give satisfaction to the said inspectors, or such other per-
 sons as aforesaid, respecting the same, then, and in every such
 on complaint made by the said inspectors, or by such person or
 as they the said inspectors shall appoint for that purpose, of any

Proceedings
 against officers
 neglecting to
 account.

Complaint may
 be made to jus-
 tices.

r. Tidd Pratt, in his publica- per that on the appointment of every
 his act, observes (p. 15), that treasurer a notice of his name and
 officers are bound to pay the place of residence should be sent to the
 mentioned in the inspector's overseers.
 the treasurer, it would be pro-

2. By Statute.

3 & 4 Will. IV.
c. 90.

Money may be
levied by dis-
tress.

If no goods, &c.,
offender may be
committed to
gaol, &c.

Inspector may
compound.

Not to be impris-
oned for longer
than three
months.

Commitment of
offender not
to discharge his
sureties.

Officers taking
any fee or reward
besides the salary,
&c. appointed to
forfeit 50%.

No inspector to
hold office of
trust under this
act.

Penalty of 50%.

Inspectors may
sue and be sued
in the name of
any one of them.

such refusal or wilful neglect as aforesaid, to any justice (such justice may and he is hereby authorized and required to) mons under his hand and seal for the officer so refusing or appear before two justices of the peace; and upon the said o ing, or having been so summoned and not appearing v sufficient and reasonable excuse, or not being found, it sh for the said justices to hear and determine the matter in a n and if, upon confession of the party, or by the testimony of witness or witnesses upon oath (which oath such justices an powered to administer,) it shall appear to such justices tha remain due from such officer, such justices may and the authorized and required, upon non-payment thereof, by w their hands and seals, to cause such money to be levied by sale of the goods and chattels of such officer; and if n chattels of such officer shall be found sufficient to answer a said money, and the charges of distraining and selling the s chattels, or if it shall appear to such justices that such office or wilfully neglected to render and give such account, or t vouchers relating thereto, or that any books, papers, or writin the execution of this act remained in the hands or in the cus of such officer, and he refused or wilfully neglected to deliv tisfaction respecting the same as aforesaid, then and in ev such justices shall and they are hereby required to commit to the common gaol or house of correction for the county where such offender shall be or reside, there to remain, w mainprize, until he shall have given a true and perfect acc said, or until he shall have paid such monies as aforesaid, o with the said inspectors for such money, and shall have p position in such manner as they shall appoint, (which c said inspectors are hereby empowered to make and receive, shall have delivered up such books, papers, and writings, f action in respect thereof, to the said inspectors, or to such or persons as aforesaid; but no such offender shall be ke in such common gaol or house of correction, for want of tress, by virtue of this act, for any longer space of ti calendar months."

Sect. 27. "No prosecution or commitment, under the this act, of any treasurer or other officer or person to be a the powers of this act, shall acquit or discharge any sur that shall or may have been taken by or given to the said the due and faithful execution of his or their office, or the monies received or to be received by him or them respecti

Sect. 28. "If any person who shall be employed as tr other officer or servant who shall be in anywise employed spectors for putting this act or any of the powers thereof i shall exact, take, or accept any fee or reward whatsoever o salaries, allowances and rewards as are appointed by this s appointed, allowed, and approved of by the said inspect account of any thing done or to be done by virtue of this account whatsoever relative to putting this act into executi anywise be concerned or interested in any bargain or contr be made by the said inspectors; and no person during the the office of inspector, shall accept or hold any office or created by virtue of this act within the said parish, or shall directly or indirectly in any contract with the said paris person so offending shall be incapable of ever serving or b under this act, and shall over and above forfeit the sum person or persons who shall sue for the same."

Sect. 29. "That the said inspectors may sue and be sued any one of the inspectors for the time being; and all action may be necessary or expedient to be brought for the recov

all be lawful for them, or any two or more of them, from time to time ^{and as}
issue an order under their hands to the overseers of the poor of any ^{overseer}
town to which the provisions of this act shall be extended, by which ^{ment}
for the ^{of the}

2. *By Statute.* order they shall require the said overseers to levy the amount mentioned in the said order." (See post, Form No. 18).

3 & 4 Will. IV.
c. 90.

Power to collect
rates.

Owners, &c., of
houses and land,
in what propor-
tion to be rated.

Land and houses
to be rated sepa-
rately.

Land, &c. not to
be assessed
higher than in
last poor rate.

Succeeding over-
seers to collect
rate if same not
levied;

and to have same
powers, &c. as
their predeces-
sors.

Overseers to pay
amount to trea-
surer within three
months from de-
livery of order.

Sect. 33. "The overseers aforesaid shall, for the purpose of collecting, raising, and levying the rate necessary for the purposes of this act, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor in the said parish: Provided always, that owners and occupiers of houses, buildings (a), and property (other than land) rateable to the relief of the poor in any such parish shall be rated at and pay a rate in the pound three times greater than that at which the owners and occupiers of land shall be rated at and pay for the purposes of this act: Provided also, that the total amount of the sum to be collected, raised, and levied for the purposes of this act within any one year shall not exceed such sum as shall have been agreed on by the inhabitants of the said parish as aforesaid, and that the said sum shall be assessed upon the full and fair annual value to which lands, houses, buildings, and other property within the said parish shall be rated or shall be rateable according to the last valuation made and acted upon for the rate for the relief of the poor within the said parish."

Sect. 34. "Provided always, that it shall be lawful for the overseers of the poor of any such parish, and they are hereby required, whether or not according to the rate made for the relief of the poor, one and the same person shall be rated in one sum in respect of land, and also of houses, buildings, and other property, to cause such land, and also such houses, buildings, and other property, to be separately assessed, and the tax hereby authorized to be levied shall be assessed accordingly: Provided always, that every court-yard, yard, or garden (such garden not being a market garden or nursery ground) shall be included in and make part of the assessment to be made on the house, buildings, or other property to which they may be respectively attached: Provided also, that no land, houses, buildings, and other property, shall not in the whole be assessed at a higher amount than they were in the last rate made for the relief of the poor within the said parish."

Sect. 35. "If the overseers of the poor of any parish adopting the provisions of this act shall go out of office before they shall have collected or levied the amount mentioned in the order issued under their hands of the said inspectors in pursuance of this act, they shall deliver to the succeeding overseers, within seven days from the time they go out of office, a full and particular account in writing of the names of the parties from whom any money may be due on account of the rate made in pursuance of this act, as well as the last order issued to them by the said inspectors; and in such case the succeeding overseers shall have the like powers and remedies under this act for the collecting and recovery thereof, and shall be liable to the same penalties and forfeitures in case of the non-payment to the said inspectors, as their predecessors were or were liable to."

Sect. 36. "The overseers of the poor of every parish adopting the provisions of this act, to whom any such order as aforesaid shall be issued, shall pay over the amount mentioned in such order to the treasurer to be appointed in the said parish under this act within three calendar months from the delivery of such order to one of the overseers, and shall keep the accounts of the said rate levied for the purposes of this act separate and distinct from the accounts of the rates levied in the same parish for the relief of the poor; and at the time of making any payment to the

(a) A watching and lighting act authorizes the commissioners to make a rate upon all persons inhabiting, using, or occupying any houses, shops, mills, sheds, or other buildings or tenements within the township. Held, that sheds erected to protect engines for the more

convenient working of a coal mine were rateable, although it was contended that they were exempt, as being merely accessorial to the engines. (*Brown Granville (Lord)*, 3 M. & Scott, 40 10 Bing. 69, S. C.)

r the said overseers shall deliver to him a note in writing Form No. 19,) signed by them, specifying the amount so paid, shall be kept by the treasurer as a voucher for his receipt of the same amount; and the receipt of the said treasurer, specifying the amount paid to him by the overseers, shall be a sufficient discharge for the said overseers for such amount, and shall be allowed as such in the said accounts with their respective parishes." (See post, Form

2. *By Statute.*

3 & 4 Will. IV. c. 90.

Receipt of treasurer to be a discharge to overseers.

"Where any persons other than the overseers of the poor, by virtue of any office or appointment be authorized and required to collect or cause to be collected the rate for the relief of the poor in any parish to which all or any of the provisions of this act shall extend, such persons, by whatsoever title they may be called, shall nevertheless be deemed to be overseers of the poor within the meaning of this act, and shall be included under and denoted by the words 'overseers of the poor' for all the purposes of this act, as fully as if they were commonly known by the title of overseers of the poor."

Where other persons are authorized to collect poor's rates, such persons to be deemed overseers.

38. "In case the amount directed by such order as aforesaid to be paid by the overseers in any parish, to which all or any of the provisions of this act shall be extended, shall not be paid to the said treasurer at the time specified for that purpose, in the said order, any justice of the peace, upon complaint thereof made to him by the said treasurer, or by any one of the inspectors, may, and he is hereby authorized and empowered, to issue a summons under his hand and seal for the said overseers, or any of them, so refusing or neglecting to pay such money as aforesaid to be paid, before two justices of the peace; and upon the said overseers failing to appear, or having been so summoned and not appearing, without some sufficient and reasonable excuse, or not being found, it shall be lawful for the said justices, and they are hereby required, in case the said money is not paid, to issue their warrant for levying the amount, or so much of it as may be in arrear, by distress and sale of the goods of all or any of the said overseers; and in case the goods of all the overseers shall not be sufficient to pay the same, the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this act, and shall be collected by the like method."

Overseers may be distrained upon for non-payment.

If goods be not sufficient, &c., arrears to be added to amount of next levy.

Watchmen, &c. to be appointed, and provided with arms, clothing, &c.

39. "The said inspectors shall from time to time appoint and employ such number of able-bodied watch-house keepers, serjeants of the watch, watchmen, patrols, street-keepers, and other persons as they shall think sufficient for the proper protection of the inhabitants, houses, and property, streets and other places within the limits of this act, by day or by night, or by day and by night, and provide for the use of all the said watchmen, watch-house keepers, serjeants of the watch, patrol, and other persons as aforesaid, such clothing, arms, ammunition, and weapons, and shall assign to them such beats and rounds and duties, and appoint such hours for them to be on duty, and also such wages, rewards, and gratuities, or remunerations for their services, and also make such rules, orders, and regulations relative to such watch-house keepers, serjeants of the watch, watchmen, patrol, street-keepers, and other persons, and shall assign such duties, as to the said inspectors shall seem meet, and also shall may offer and give, as well to the said persons as to any other not specially employed by them, such gratuities and rewards for apprehending offenders and others, offenders within the limits of this act, as to them shall seem proper; and shall and may defray the expenses of prosecuting any such felons and offenders, for the protection of the inhabitants of any parish adopting the provisions of this act, or in defending any of the said persons or other officers of the said inspectors in the execution of their duty, as they shall think proper; and the said wages, rewards, gratuities, and the costs of such prosecutions or defences, and all other expenses that may be incurred by the said inspectors for the protection and guard of the inhabitants, shall and may be paid by the said inspectors out of the monies received in pursuance of this act.

Inspectors may defray expenses of prosecuting offenders, &c.

Expenses to be paid out of monies received under act.

2. By Statute.

3 & 4 Will. IV.
c. 90.

Watchmen, &c.
to deliver up
clothing on re-
moval, &c.

Penalty.

Duty of watch-
men, &c. to pre-
vent robberies,
&c.

to apprehend
felons, &c.

may require per-
sons to aid and
assist them.

Penalty for as-
saulting, &c.
watchmen.

Watchmen, &c.
to be sworn in,
and to have the
power of constables.

Not to gain a set-
tlement thereby.

Certain fees to be
paid over to in-
spectors.

Sect. 40. "All such clothing, arms, ammunition, and provided for the use of such watchmen, watch-house keeper of the watch, patrol, and persons as aforesaid, shall remain the property of the inspectors for the time being, and in case of resignation, removal, or death of any such watchmen, watch-house keeper, serjeant of the watch, patrol, or person as aforesaid, shall be returned to the said inspectors; and in case of neglect to do so, the said watchmen, watch-house keeper, serjeant of the watch, patrol, or person as aforesaid, or in case of his death the party thereof, shall be subject and liable to a penalty not exceeding 20*l.*, to be recovered for the use of the said inspectors."

Sect. 41. "The watchmen, serjeants of the watch, patrol, and persons to be appointed by virtue of this act shall, during their duty, use their utmost endeavours to prevent a fire, and also to prevent all robberies, burglaries, and other misdemeanours, and other outrages, disorders, and breach of the peace within the limits of the parish adopting the provisions of this act, to apprehend and secure all felons, rogues, vagabonds, and persons who shall disturb the public peace, or any person committing any offence, or secreting, or misbehaving himself, herself, or child, or whom they shall have reasonable cause to suspect of any offence, to secure and keep in safe custody every such person, in or out of the parish, and she may be conveyed as soon as conveniently may be before the next justices of the peace, to be examined and dealt with according to law; and it shall and may be lawful to and for the said watchmen, serjeants of the watch, patrols, and other person or persons as aforesaid, to call and require any person or persons to assist them in taking such felons, rogues, vagabonds, and all suspected persons as aforesaid; and in case any person or persons shall assault or resist or shall promote or encourage the assault of any of the watchmen, serjeants of the watch, patrols, or other persons so appointed as aforesaid in the execution of the provisions of this act, such person shall for every such offence forfeit and pay a sum not exceeding 40*s.*; and in case any such offender shall not, on the day of the said forfeiture, such justice is hereby required to commit or them to the house of correction, there to be kept to his or her satisfaction, and the said justice shall so order, for any time not exceeding three months, unless such forfeiture shall be sooner paid; or in default of committing the said offender as aforesaid, the said justice may, under his hand and seal, cause the said forfeiture, as well as the costs of the said offender, to be levied by distress and sale of the goods and chattels of the said offender, returning the overplus (if any) of the money raised after discharging the said forfeiture and the costs and charges of recovering and levying the same, to the owner of the goods so seized and distrained."

Sect. 42. "All watchmen, serjeants of the watch, and persons to be sworn in as constables before any justice of the peace, and while in execution of the powers and authorities of this act, shall be invested with and shall have and enjoy the like powers, authorities, privileges and immunities, and shall be subject to such and the like penalties and forfeitures, as any constables is or are invested with, or shall or may have or be subject to by law: Provided, that no person by being sworn in and acting as or being in the office of a constable shall thereby gain a settlement in the parish. For the powers and duties of a constable in general, see Vol. I.

Sect. 43. "In all such cases in which any of the duties imposed by constables shall have been executed by any person appointed by the inspectors as hereinbefore enacted, all fees and allowances for the performance of such duties shall be paid to

ier or occupiers for the time being of such dwelling-house
ouses, manufactories, public or private buildings respec-
enable any body or bodies politic or corporate, or person or
acting with the said inspectors for lighting such streets and
to enter into or upon any private lands or grounds, with-
out in writing of the owner or owners, occupier or occupiers
or grounds for that purpose first had and obtained."

Provided also, that in case the soil, pitching, or pavement
way, for the purpose of laying any gas main or gas pipe
or across the same, be broken up with the consent of the
ers of the soil for the time being, and after the same shall
laid and placed, such owner or owners shall be desirous of
me removed, it shall be lawful for such owner or owners at
mes thereafter, if he, she, or they shall deem it necessary
at his, her, or their own costs and charges, to alter and vary
f such pipe or pipes, main or mains, and to relay the same,
nage be done thereby to the said body or bodies politic or
person or persons contracting with the said inspectors, and
body or bodies politic or corporate or person or persons
th the said inspectors as aforesaid be not thereby prevented
ected in lighting any public or private lamp, unless such
struction be unavoidable."

Owners of private
grounds may alter
position of pipes.

Whenever any gas shall be found to escape from any of the
hall be laid down or set up by order of the said inspectors
of this act, the body or bodies politic or corporate, or per-
s whosoever making, furnishing, or supplying any gas used
ighting any highway, street, or place, or any houses, manu-

For stopping the
escape of gas.

the time of giving any such notice, during which the gas shall be allowed to escape as aforesaid; which penalty shall from time to time be recoverable in a summary way, on the oath or affirmation of one or more witnesses or witnesses, before any two justices of the peace, and the sum so recovered, with all reasonable charges, by distress and sale of goods and chattels of any such body or bodies politic or corporate or person or persons as aforesaid, by the warrant of any two justices of the peace as aforesaid, to be granted in like manner and subject to the same provisions as are herein directed touching other penalties to be levied by virtue of this act."

Power to convey
away washings of
gas works.

Sect. 49. "It shall be lawful for the body or bodies politic or corporate or other person or persons whosoever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises within the limits of any parish adopting the provisions of this act, to lay iron pipes of such breadth, depth, and dimensions, and in such manner as they may think expedient, under the roads, streets, and other public places, within the limits of this act, for the purpose of carrying off the waste liquids which may arise in the prosecution of the work of the said body or bodies politic or corporate, or other person or persons as aforesaid, doing as little damage as may be in laying the same, and immediately repairing, at their own expense, all such damage as may be done, so that no such washings or other waste liquids, or any other thing made or arising in the manufacture of such gas, shall be allowed to be conveyed into any river, brook, canal, or running stream, and no such pipe shall be laid in any situation where the same may in any manner interfere with, prejudice, or affect any existing or future public or private wells, sewers, or drains within the limits of any parish adopting the provisions of this act, or without the sanction of the said inspectors."

Penalty for con-
veying washings
into any river, &c.

Sect. 50. "If any body or bodies politic or corporate, companies of proprietors, or any other person or persons whatsoever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises within the limits of any parish adopting the provisions of this act, at any time empty, drain, or convey, or cause or suffer to be empty,

running, or flowing, in manner aforesaid, and every such
 nuisance, injury, damage, act, or thing, from being done
 and in every such case the said body or bodies politic
 company or companies of proprietors, or other person or
 ending, shall forfeit and pay the sum of 20*l.* for each and
 washings, waste liquids, or noisome or offensive liquids,
 things, shall be so emptied, drained, conducted, or con-
 sidered or suffered to run or flow in manner aforesaid, or such
 nuisance, injury or damage, act, or thing shall be so
 to be done as aforesaid; and such last-mentioned penalty
 be recovered and levied in such and the like manner as any
 or forfeiture is in and by this act directed to be recovered
 shall be paid to the informer, or to the person or persons
 judgment of the justice before whom the conviction shall take
 place sustained any annoyance, injury, or damage by any such
 committed."

All and every the pipes or other conduits to be used or laid
 for the conveyance of gas, in, under, through, along, across, or round any
 other place within the limits of any parish adopting the
 provisions of this act, shall be so laid at the greatest practical distance,
 the width of the carriage-way in such street or place will
 be at the distance of four feet at least from the nearest part of
 any pipes already laid down or hereafter to be laid down for the con-
 veyance of water, in, under, through, along, across, or round any of the
 streets, or other places within the limits of any parish adopting
 the provisions of this act, excepting in cases where it shall be unavoidably
 necessary to cross the gas pipes across any of the said water pipes, in which
 case the gas pipes shall be laid over and above the said water pipes

Gas pipes to be
 laid four feet
 from water pipes,
 and in a particu-
 lar manner.

2. *By Statute.*

8 & 4 Will. IV.
c. 90.

at the greatest practical distance therefrom, and shall form right angle, and in such cases the said gas pipes so crossing water pipes shall be at least nine feet in length, so that no joint the said gas pipes shall be nearer to any part of the said water four feet at least; and in laying down the said gas pipes the tractors or other persons supplying gas shall in no case joint gas pipes together previous to their being laid in the trench, but each pipe as near as may be in its place in the trench, and shall trench properly form the jointing with the other pipes to be added with proper and sufficient materials, and shall also make and every such pipes, and all pipes connected and communicating with, and all the screws, joints, inlets, apertures, or openings respectively, air-tight, and in all and every respect prevent the gas from escaping therefrom, upon pain of forfeiting for every sum of 5*l*."

To prevent escape
of gas and con-
tamination of
water.

Sect. 52. "Whenever the water of any company of proprietors supplying the inhabitants of any houses within the limits of any parish, or place adopting the provisions of this act, with which the water shall be contaminated by any of the gas used or burnt for lighting a street, or place, or any house, manufactory, building, or other place within the limits of any parish, part of a parish, or place adopting the provisions of this act, the body or bodies politic or corporate, or persons making, furnishing, or supplying such gas, shall for every such offence be liable to the sum of 20*l*., to be sued for and recovered and shall be applied for the use and benefit of the said company supplying water; and in case any such water shall be contaminated or affected in any way whatsoever, then and in every such case the said body or other persons making, furnishing, or supplying such gas, shall, within twenty-four hours next after the notice thereof in writing, signed by the treasurer or other officer of and for such water company as may be required by any person making use of such water, to be left at the usual office of transacting business of the said body or bodies politic or corporate, or other person or persons, cause the most proper measures to be taken to stop and prevent gas from escaping from the mains, works, or pipes, or contaminating or affecting the water of the said company as aforesaid; and in case the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying such gas, shall not, within twenty-four hours next after such notice so given, effectually stop and prevent the gas from so escaping, and satisfactorily remove the cause of every such complaint, then and in every such case the said body or other persons as aforesaid, shall on each and every complaint so made to the treasurer or other officer for the time being of such water company as aforesaid, for the use and benefit of the same company, or for the use and benefit of the said body or bodies politic or corporate, or other person or persons, pay the before-mentioned penalty of 20*l*., the sum of 10*l*. for each day during which the water of the said last-mentioned company shall be contaminated or affected by such gas; and in default thereof as aforesaid, such penalty or penalties shall be recovered by information, to be exhibited on the oath of one credible person, by and in the name of the treasurer or other officer for the time being of the said water company as aforesaid, or by and in the name of any one or more of the directors of the said company, at the option of the prosecutor, in prosecuting such information against the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying such gas, before any two justices of the peace, with costs, to be paid by such justices, and to be levied by distress and sale of the goods and chattels of the said body or bodies politic or corporate, or other persons making, furnishing, or supplying such gas, together with the costs of such distress and sale, by warrant under the hand and seal of such justices, which warrant such justices are hereby empowered to

use, or other person or persons as aforesaid, for the purpose whether such contamination proceed or be occasioned by said body or bodies politic or corporate, or other person or said; and if it shall appear that the said water has been any escape of gas as aforesaid, the costs and expenses of search, and examination, and of the repair of the pavements, street or streets which shall be taken up or disturbed, and paid by the said body or bodies politic or corporate, or persons as aforesaid; which costs and expenses of digging, excavation, shall be ascertained and determined, if necessities as aforesaid, and be recovered in like manner as be recovered by virtue of this act. Provided always, that in case it shall appear that such contamination has not been occasioned by such escape of gas from any of the mains, pipes, or conduits of the said body or bodies politic or corporate, or other person or persons, then and in such case the said company of proprietors, managers and proprietors of such waterworks, shall bear and pay the costs and expenses of such search, examination, and repair as shall also make good to the said body or bodies politic or corporate, or other person or persons as aforesaid, any loss, injury, or damage occasioned to the said mains, pipes, conduits, or other property of the said body or bodies politic or corporate, or other person or persons, in and by such search and examination, the amount of such loss, or damage to be ascertained and determined by such jury as aforesaid."

Provided always, That nothing in this act contained shall be construed to extend to prevent any person from proceeding lawfully otherwise against any of the officers, servants, or workmen of the said body or bodies politic or corporate, or other person or persons, in making, furnishing, or supplying any gas used or burnt for lighting, or for any other purpose, in any house, manufactory, building, or premises within the limits of any parish adopting the project, in respect of any works or other means which shall be used by him or any of them in making the said gas, and using the same with lights as aforesaid, as a public or private nuisance, or any action against the said body or bodies politic or

Persons supplying gas liable to be indicted for a nuisance.

How recoverable.

How persons accidentally breaking lamps are to be dealt with.

Power for inspectors to contract for the works directed to be done by this act.

moiety shall be applied for the purposes of this act, and shall be levied and recovered in the same manner as any forfeiture is by this act before directed to be levied and recovered in the case of assaulting any watchman or other person in the execution of this act.

Sect. 56. "If any person shall carelessly or accidentally break or damage the said lamps, lamp irons, or lamp posts, or do any other such injury as hereinbefore is mentioned, and shall not, upon demand made to him upon oath, to the satisfaction of the said inspectors for the damage or injury so made to him upon oath, to summon the party complained of, and bring the parties upon both sides, or on the non-appearance of the party complained of, to examine the matter of complaint, and award such money, by way of satisfaction to the said inspectors for such damage or injury, as such justice shall think reasonable; and in case of neglect or refusal with to pay such money, then the same and all expenses attending the recovery thereof may be levied and recovered as any forfeiture hereinbefore directed to be levied and recovered in the case of assaulting any watchman or other person in the execution of this act.

Sect. 57. "It shall and may be lawful to and for the said inspectors from time to time to enter into any contract or contracts with any person, company, or companies whatsoever, for lighting the streets, roads, and other places, or any of them, or any part thereof, with oil or with gas, or with any other material, or in any other manner whatsoever, or for furnishing lamps, lamp irons, lamp posts, lamp chains, posts, chains, pales, rails, and other things necessary for the purposes aforesaid, or any materials for the same, which contract or contracts shall specify the several works to be done and the prices to be paid therefor, and the time or times when the works shall be completed, and the penalties to be suffered in cases of non-performance thereof, and shall be signed by two or more of the said inspectors, and also by the persons contracting to perform such works respectively, which contracts, or a copy or copies thereof, shall be entered in a book to be kept for that purpose; but no contract above the value or sum of five pounds shall be entered into, unless previous to the making of any such contract seven days notice shall be given in one or more of the public newspapers published in the county in which the said parish shall be situated.

and inspectors (if they think fit) to compound and agree with the contractor for any penalty incurred by him for the breach or breach of any such contract, for such sum of money as the inspectors shall think proper, not being less than the injury or damage done by the breach or non-performance of such contract, and the charges, and expenses which shall be occasioned thereby; and it shall be lawful for the said inspectors to cancel or make void any contract or any person or persons whomsoever, by mutual consent, if the contract may be cancelled, if proper."

The said inspectors may and they are hereby authorized and empowered to purchase or rent any ground or buildings, lands, and grounds, for the purposes of this act, for such sum or sums of money, or yearly rent, or for such time as may appear reasonable, (which sum or sums of money and yearly rent shall be respectively paid out of the monies to arise by virtue of this act) at such rate or rates and in such places as they may think proper.

The property of and in all lamps, lamp irons, lamp posts, watch-boxes, posts, chains, pales, and rails in, about, or belonging to the said streets and places within any parish or part of a parish provided for by the provisions of this act, or any of them, and of and in all the materials, bricks, and other materials and furniture and things used in the carrying out of the provisions of this act, (except when the same shall be otherwise provided for in the said inspectors,) shall be and the same are to be the property of the said inspectors, and may be sold and disposed of by the said inspectors as they shall think proper; and the money arising from the sale of the same shall be applied towards the purposes of this act; and the said inspectors are hereby authorized and empowered to bring or to institute any action or actions in such name or names and in such manner as may be provided, or to prefer or order and direct the preferring of any writ or bills of indictment against any person or persons who shall be found guilty of having stolen or carried away (as the case may be) all or any part of such lamps, lamp posts, watch-houses, watch-boxes, iron, timber, and furniture, posts, chains, pales, rails, or other materials and things; and in all such actions or bills of indictment it shall be sufficient to state generally that the defendant stole, or carried away, such thing or things, for and on account of which such

Inspectors may purchase or rent ground or buildings for the purposes of this act.

Property of lamps, &c. vested in the inspectors.

Actions, &c. to be brought in the name of inspectors.

2. *By Statute.*

3 & 4 Will. IV.
c. 90.

victed or prosecuted for any offence against this act shall and the information and conviction respectively to be drawn in the following, or in other words to the same effect; (that is to say,)

Form of information.

“ County } Be it remembered, that on the day of
of } informeth of his majesty’s justice [or ‘
to wit. } the peace for the said of that of
 } [here describe the offence, with the time and place
 } the act as near as may be], contrary to the provisions of an act
 } year of the reign of king William the Fourth, intituled
 } title of this act], which hath imposed a forfeiture of for the
Taken the day of before .

Form of conviction.

“ County } Be it remembered, that on the day of in
of } year of the reign of , and in the year of our l
to wit. } A. B. is convicted before of his majesty’s
 } ‘justices’] of the peace for the said for [here specify the
 } when and where committed], contrary to the form of the statute
 } year of the reign of king William the Fourth, intituled [h
 } the title of this act]; and do hereby declare and adjudge th
 } hath forfeited for the said offence the sum of [or ‘a
 } mitted to for the space of ,’ as the case may be].
 } hand and seal the day and year first above written.”

Recovery and application of penalties.

Sect. 63. “ All fines, penalties, and forfeitures inflicted or this act, or by virtue of any rule or order made in pursuance mode of recovery whereof is not herein otherwise provided t case of non-payment thereof be recovered in a summary way, b adjudication of any two justices of the peace, on complaint that purpose exhibited, and afterwards be levied, as well as t any) of such proceedings, on non-payment, by distress and goods and chattels of the offender or respective offenders, c persons liable to pay the same, by warrant under the hands such justices, who are hereby authorized and required to s examine any witness upon oath or affirmation of and conce offences, matters, and things, and to hear and determine the the overplus (if any) of the money raised or recovered, after the fine, penalty, or forfeiture for which such warrant shall be the costs and expenses of recovering and levying the same (there be), shall be rendered to the owner or owners of the chattels so seized and distrained; all which penalties, not her to be otherwise applied, shall be paid to the said inspector treasurer, to be applied for such purposes of this act as the sai shall order and direct, except in all such cases where the per feiture shall be incurred by the said inspectors, and then the be paid to the informer; and it shall be lawful for the said order the offender or offenders so convicted to be detained in s until return can be conveniently made to such warrant or distress, unless the said offender or offenders shall give sufficie to the satisfaction of such justices, for his, her, or their appea the said justices, on such day or days as shall be appointed fo of such warrant or warrants of distress, such day or days not than seven days from the time of taking such security, and rity the said justices are hereby empowered to take by wa nizance or otherwise; but if upon the return of such warn rants it shall appear that no sufficient distress can be had wi levy the said penalty or penalties, and such costs as aforesa same shall not be forthwith paid, or in case it shall appear to t tion of any such justices, upon the confession of the offender o or otherwise, that he, she, or they have or hath not sufficient chattels whereupon such penalties, forfeitures, costs, and expe levied if a warrant of distress were issued, such justices sha quired to issue such warrant of distress, and thereupon it sha

Penalties how applied.

Offender may be detained till return made to warrant of distress.

If not sufficient distress, &c.

em in pursuance of this act) liable to the payment of any of money as or by way of compensation or satisfaction in the such compensation or satisfaction is herein directed to be aid inspectors."

No inhabitant of any parish adopting the provisions of this act shall be deemed an incompetent witness in any action, suit, or information, appeal, prosecution, or proceedings to be had, made, or carried on under the authority of this act."

Provided also, "That if any person or persons shall find fault, or themselves aggrieved by any order, direction, or appeal, or the said inspectors, or any order or conviction of one or more of the justices of the peace, it shall be lawful for such person or persons to appeal to any general or quarterly sessions of the peace to be held in the county, city, riding, borough, town, shire, division, or place in which the parish shall be situate, within four calendar months after the cause of complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month, then the appeal shall be made to the secondly succeeding sessions, either of which sessions is hereby empowered to hear and finally determine the said appeal, and to make such order therein as to costs shall meet, which order shall be final and conclusive to and against the appellant; provided that the person or persons so appealing shall give to the justices at least fourteen days' notice in writing of his intention of appealing as aforesaid, and of the matter or matters in dispute to the said inspectors, or other the respondent or respondents, within five days after such notice shall enter into a recognizance before a justice of the peace, with sufficient securities, conditioned to appear at the then next general sessions or quarter sessions of the peace which shall first happen, and to abide the order of and pay the costs which shall be awarded by the justices at such quarter sessions or sessions thereof; and such justices, upon hearing and finally determining the said matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as shall appear to be proper; and their determination in or concerning the said matter shall be conclusive and binding on all parties to all intents and purposes." (See next Form No. 18 - as to appeals in general)

Inhabitants may be witnesses.

Appeal to the quarter sessions against order of inspectors, &c.,

within four calendar months after cause of complaint, &c.

fourteen days' notice in writing to be given to inspectors, &c.,

* and
and recognisance to be entered into.

2. *By Statute.* have committed any such irregularity, trespass, or wrongful p before such action brought; and in case no tender shall have t it shall be lawful for the defendant or defendants in any such leave of the court where such action shall depend, at any time b joined, to pay into court such sum of money as he or they sha whereupon such proceedings, order and adjudication shall be and given in and by such court as in other actions where the is allowed to pay money into court."

Limitation of actions (a).

Notice of.

Tender of amends.

Venue.

General issue.

Double costs.

Proceedings not to be unlawful for want of form. Certiorari.

Parishes may adopt only parts of act.

Limiting the powers of the act.

10 Geo. IV. c. 44.

Sect. 69. "No action or suit shall be commenced against an persons for any thing done in pursuance of or under the auth colour of this act, until twenty-one days notice has been giv writing to the said inspectors, nor after sufficient satisfaction thereof has been made to the party or parties aggrieved, n calendar months next after the fact committed for which suc actions, suit or suits, shall be so brought; and every such act brought, laid, and tried where the cause of action shall have not in any other county or place; and the defendant or defend actions or suits may plead the general issue, or give this act special matter in evidence, at any trial or trials which shall be upon; and if the matter or thing shall appear to have been do by virtue of this act, or if it shall appear that such action (brought before twenty-one days notice thereof was given as a if any action or suit shall not be commenced within the limited, or shall be laid in any other county or place than a then the jury or juries shall find a verdict for the defendant or therein; and if a verdict or verdicts shall be found for any s ant or defendants, or if the plaintiff or plaintiffs in such action suit or suits, shall become nonsuit, or suffer a discontinua action or actions, or if, upon any demurrer or demurrers in or actions, judgment shall be given for the defendant or therein, then and in any of the cases aforesaid, such defendan ants shall have double costs, and shall have such remedy for the same as any defendant or defendants may have for his, l costs in any other case by law." [But now by the 5 & 6 Vict the defendant shall have only such costs taxed to him as v demnify him.]

Sect. 70. "No proceedings to be had and taken in pursu act shall be quashed or vacated for want of form, or be remov rari or any other writ or process whatsoever into any of h courts of record at Westminster or elsewhere." (As to cla description, see "*Conviction*," Vol. I.)

Sect. 71. "The provisions of this act may be adopted i either as to lighting or as to watching, or as to lighting and may be deemed expedient; and that the provisions of this adopted in any parish so far as the same relate to lightin such parish shall be watched under or by virtue of any act o passed for that purpose, and may be adopted in any parish s same relate to watching, although such parish shall be light by virtue of any act of parliament passed for that purpose."

Sect. 72. "Nothing in this act contained shall be construe to abridge, repeal, alter, amend, or interfere with the powe visions contained in an act made and passed in the tenth reign of his late majesty king George the Fourth, intituled improving the Police in and near the Metropolis,' or to ex

(a) As to clauses of this description in general, see "*Justices*," Vol. III. "*Constable*," Vol. I. See *Butler v. Ford*, 1 C. & M. 671. In *Burns v. Carter*, (3 M. & P. 1; 5 Bing. 429, S. C.,) it was held, that the time limited for the commencement of actions

for any thing done in pur local paving act, was reg Metropolis General Pav Geo. III. c. 29, s. 136, w repealed the clause in t liberty Paving Act, 52 Geo s. 122.

ce already regulated by or under the provisions of any act of 2. *By Statute.*
 or all the purposes hereinbefore provided for, or to interfere
 vers which any corporate body may have with respect to 3 & 4 Will. IV.
 d lighting." (See this act and schedule, title "Police," c. 90.

' It shall and may be lawful to and for the inhabitants of part Parts of parishes
 to hold a meeting of the inhabitants of such part, to be con- may adopt the
 ner herein directed, and to be composed of such inhabitants provisions of this
 purpose of determining whether the provisions in this act act,
 any of them, shall be adopted and carried into execution in
 the said parish; and that all such meetings shall be subject
 all the clauses, regulations, and restrictions in this act con-
 ect of meetings to be convened for the purpose thereof; and
 chwardens of the said parish shall act in the same manner
 of the parish, the inhabitants of which may be desirous of
 provisions of this act, for carrying the provisions of the
 ct, as they could by virtue hereof act for the parish at large;
 overseers of the poor of the said parish, or of any township
 the said parish, shall be amenable to the provisions of this
 they may relate to the part of such parish situate within or
 the division or district for which such overseers shall act,
 se of levying, raising, and paying the rates within the part
 h adopting the provisions of this act, in the same manner as
 e if the whole parish, township, or place for which they act
 the provisions of this act: Provided always, that no pro- but not to inter-
 he said inhabitants, nor any rate to be raised or levied in fere with any
 such proceedings, shall extend to any part of the said parish local act.
 ready be regulated by or under the provisions of any act for
 in this act mentioned, nor interfere with the powers and
 such act or the execution thereof in any respect what-

' It shall be lawful for any surveyor or other person or persons Surveyor of com-
 under the authority of commissioners of sewers, at any time missioners of sew-
 the daytime, to enter into any manufactory, gasometer, re- ers may enter into
 er building belonging to any gas company or companies, or gas works, to see
 ctors, in order to inspect and examine if there be any escape if there be any
 r washings or other waste liquids, substances, or other things escape of gas, &c.
 which shall arise or be produced in the prosecution of the
 es, or in the manufacture or process of making or procuring
 o any public sewer or drain; and if such surveyor or other
 rsons acting by or under the authority of commissioners of
 at any such time or times be refused admittance or entrance
 a manufactory, gasometer, receiver, or other building, for the
 aking such inspection and examination as aforesaid, or on
 ed shall be obstructed in or prevented from making such in-
 examination as aforesaid, the said gas company or com-
 e said inspector, so offending, shall forfeit and pay for every
 the sum of 20l."

Provided always, "That nothing in this act contained shall Not to prejudice
 : deemed or construed to extend, to prejudice, diminish, alter, the rights of the
 any of the rights, powers, or authorities vested in commis- commissioners of
 sers, but all the rights, powers, and authorities vested in them sewers;
 ood, valid, and effectual, as if this act had not been made."

Provided always, "That nothing in this act contained shall nor to affect the
 er or in any manner to affect any of the rights or privileges Universities.
 rsities of Oxford or Cambridge, or any of the powers vested
 r otherwise in the chancellors, masters, and scholars, and
 ors, of the said Universities."

"The powers given to watch and light any parish shall be Construction of
 o be given to any wapentake, division, city, borough, liberty, act.
 arket town, franchise, hamlet, tithing, precinct, and chapelry,

2. *By Statute.*8 & 4 Will. IV.
c. 90.

or parts within the same; and that where the word 'parish' shall be understood to extend to any parts within the same; and powers given to a churchwarden shall be understood to be given to a chapelwarden, overseer, or other person usually calling any parochial business; and that the words 'justice of the peace' shall be understood to mean justices of the peace for the county, city, town, division, riding, shire, liberty, or place in which the parish may adopt the provisions of this act shall be situated; and the words 'payer' to include all persons assessed to and paying rates for the poor."

Public act.

Sect. 78. "This act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded."

III. *Forms.*(1.) Warrant for
keeping of watch.

_____ } To the constable of the hundred of _____, in the said county of _____,

At a general quarter sessions of the peace holden at _____, in the county of _____, before us, _____, esquires, justices of our lady the Queen, to keep the peace within the said county, and also to hear and determine felonies, trespasses, and other misdemeanours in the said county, we are hereby required forthwith to issue your warrant to the several constables within your said hundred, that they do cause watch to be kept by day and ward by day, with able men, within and throughout their respective parishes, from the _____ day of _____ now next ensuing, unto the _____ day of _____ then next following; and that they do apprehend, or cause to be apprehended, all rogues, vagabonds, and other wandering, idle, and disorderly persons, and carry them before some of her majesty's justices of the peace in the said county, to be examined and further dealt withal according to the law in that behalf made, under our hands and seals the day and year first above written.

(2.) Commitment
of a person ap-
prehended by the
watch.

_____ } To the constable of _____, and to the keeper of the house of _____, in the said county of _____,

Whereas A. O. was yesterday in the night taken by the watch of _____, wandering abroad, and lodging in barns, outhouses, or other buildings open air, and is this day brought before me, J. P., esq., one of the justices of our lady the Queen, assigned to keep the peace within the said county, now give a good account of himself before me. These are to require you, the said constable of _____, to convey the said A. O. to the said house of _____ aforesaid, and to deliver him to the keeper thereof, together with a warrant. And I do hereby require you, the said keeper of the house of _____ aforesaid, to receive the said A. O. into your custody in the house of _____ aforesaid, and to keep him there safely to hard labour for _____ (or such other term as may be thought fit) together with this precept. Given under my hand and seal at _____, in the said county, the _____ day of _____, in the _____ year of the reign of _____.

(3.) Indictment
for not watching.

_____ (venue).—The jurors for our lady the Queen upon their oath, depone that _____ A. O., of _____, in the said county, yeoman, on the _____ day of _____, the _____ year of the reign of _____, and long before and always, the day of the taking this inquisition, was and yet is an inhabitant of _____ aforesaid, in the county aforesaid; and that the said A. O. there, to wit, on the said _____ day of _____, in the year aforesaid, in the county aforesaid, was duly summoned in his turn to the constable, of _____ aforesaid, in the night of the same day; and the said A. O., his duty in that behalf not regarding, did not watch the night of the same day in the year aforesaid, nor in any part of the year aforesaid.

(a) By the 5 Geo. IV. c. 83, s. 4, this must not be more than three months, ante, "Vagrants."

I. K.

3 & 4 Will. IV. c. 90, s. 14, "no person shall be deemed a person entitled to vote, or do any other act, matter or thing, as such, in pursuance of this act, unless he or she shall have been rated to the rate for the whole year immediately preceding his so voting, or as such rate-payer, and shall have paid all the parochial rates, and assessments due from him or her at the time of so voting or acting, and have been made or become due within the six months immediately preceding so voting."

Book or paper to be used at the meeting for determining whether the 3 & 4 Will. IV. c. 90, shall come into operation (b).	Residence of Voters.	Description and Designation of Voters.	Signatures of Voters.	Book or paper to be used at the meeting for determining whether the 3 & 4 Will. IV. c. 90, shall come into operation (b).

(6.) Book or paper to be used at the meeting for determining whether the 3 & 4 Will. IV. c. 90, shall come into operation (b).

Book or paper to be used in the election of inspectors (b).	Residence of Electors.	Description and Designation of Electors.	Signatures of Electors.	Book or paper to be used in the election of inspectors (b).

(7.) Book or paper to be used in the election of inspectors (b).

as in Mr. Tidd Pratt's work on this act.

forms in Mr. Tidd Pratt's work on the statute 3 & 4 Will. IV.

3. Forms.

(8.) Minute of adoption of provisions of act.

At a meeting [or, "adjourned meeting"] of the rate-payers of the parish of _____, in the county of _____, held at _____, on the _____ day of _____, 18____, it was determined by a majority consisting of two thirds of the rate-payers present at such meeting, that the provisions of the act Will. IV. c. 90, intituled, &c. [set out the title of the act or so much thereof as relates to watching or lighting], should be adopted; and that inspectors should be elected to carry such purposes into effect.

A. B. Chairman.
C. D. }
E. F. } Rate-payers.
G. H. }

(9.) Minute, stating the amount of money to be raised.

At a meeting [or "adjourned meeting"] of the rate-payers of the parish of _____, in the county of _____, held at _____, on the _____ day of _____, 18____, it was resolved and determined that the total amount of money which the inspectors shall have power to call for in the succeeding year, in order to carry into effect the provisions of a certain act, passed in the fourth year of the reign of his late majesty King William the Fourth, intituled "An Act for the better watching and lighting of the streets, lanes, and public places in the parishes of _____," [set out the title of the act], shall be the sum of £ _____.

A. B. Chairman.
C. D. }
E. F. } Rate-payers.
G. H. }

(10.) Demand of poll.

We, A. B., C. D., E. F., G. H., and I. K., five rated inhabitants of the parish of _____, in the county of _____, qualified to vote, pursuant to the provisions of a certain act, passed in the fourth year of the reign of his late majesty King William the Fourth, intituled, &c. [set out the title of act], do hereby demand a poll to be taken of the rate-payers qualified to vote upon the question whether the said act, and the provisions thereof, [or "so much thereof as relates to watching and lighting"] shall be adopted in such parish, and also as to the amount of money to be raised in the succeeding year for the purposes thereof, and the number of inspectors to be elected; as determined at the present meeting. Dated the _____ day of _____, 18____.

A. B. G. H.
C. D. I. K.
E. F.

To Mr. L. M., chairman of the meeting of rate-payers, held in the parish of _____, in the county of _____, on the _____ day of _____, A.D. _____, pursuant to 3 & 4 Will. IV. c. 90.

(11.) Notice of adoption of act.

Notice is hereby given, that at a meeting of the rate-payers of the parish of _____, in the county of _____, held on the _____ day of _____ last, at _____, pursuant to the provisions of the act 3 & 4 Will. IV. c. 90, intituled, &c. [set out title of act], it was resolved by a majority of two thirds of the votes of the rate-payers present at such meeting, [or, in case of a poll being demanded, a majority of two thirds of the votes of the rate-payers, delivered to us the undersigned churchwardens, on a poll having been demanded, the whole number of persons voting being a clear majority of the rate-payers of the parish"], that the provisions of the said act [or, "so much of the said act as relates to watching and lighting"], should be adopted in the said parish; and the amount of the money to be raised in the succeeding year was fixed at the sum of £ _____, and the number of inspectors to be elected was fixed and determined to be _____, that _____ were at the said meeting appointed such inspectors. Dated the _____ day of _____, 18____.

A. B. } Churchwardens
C. D. } parish of _____

(12.) Notice for election of inspectors.

Notice is hereby given, that a meeting of the rate-payers of the parish of _____ in the county of _____, will be held at _____, on _____, at _____ o'clock.

and J. K., churchwardens of the parish of _____, &c., [as in (15.) Notice to be
 for the purpose of the inspectors appointed under the said act, given by church-
 ir accounts and vouchers for the year ending on the _____ day of _____ wardens on receipt
 id for the election of inspectors for the execution of the said act, of notice for in-
 mining the amount of money to be raised for the purposes of the spectors.
 ie current year. Dated this _____ day of _____, 18____.

G. H.
 J. K.

stat. 3 & 4 Will. IV. c. 90, s. 14, "No person shall be deemed a
 be entitled to vote, or do any other act, matter, or thing, as such,
 risions of this act, unless he or she shall have been rated to the
 poor for the whole year immediately preceding his so voting, or
 ng as such rate-payer, and shall have paid all the parochial rates,
 assessments, due from him or her at the time of so voting or acting,
 have been made or become due within the six months immedi-
 g such voting."

nd J. K., the acting inspectors in the parish of _____, in the (16.) Notice of va-
 , under the provisions of the act 3 & 4 Will. IV. c. 90, im- cancy in number
 et out title of act], do hereby give you notice, that _____, one of of inspectors.
 in the said parish of _____, is dead, [or, "become disqualified,"
 acted to act,"], and require you forthwith, in the manner di-
 uid act, to call a meeting of the rated inhabitants for the purpose
 ich vacancy. Dated this _____ day of _____, 18____.

J. J.
 J. K.
 d G. H.,
 s of the parish of _____, in the county of _____.

3. Forms.

(17.) Notice to treasurer, &c. to deliver up books, &c.

We, J. J. and J. K., inspectors duly appointed in and for the parish in the county of _____, under the provisions of the act 3 & 4 Will. intituled, &c. [set out title of act], do hereby require you, the treasurer, &c. [see ante], forthwith to deliver up to _____, of _____, all books, papers, and writings in your custody or power, relating to the execution of the said act in the said parish of _____, or to give satisfaction to us the said inspectors the said _____, respecting the same. Dated this _____ day of _____

J. J.

J. K.

To Mr. E. F., the treasurer appointed under the provisions of the 3 & 4 Will. IV. c. 90.

(18.) Order on overseers to collect money.

We, J. J. and J. K., the inspectors duly elected for the parish of the county of _____, under the provisions of the act 3 & 4 Will. IV. intituled, &c. [set out title of act], do hereby require you, the overseers of the poor of the said parish, to collect and levy, pursuant to the said act, the sum of £ _____, being the amount we are authorized to call for in the said parish, commencing on _____, and ending on _____, for the purposes of _____ into effect the provisions of the said act, and to pay the same to the treasurer duly appointed in the said parish, under the said act. within _____ calendar months from the delivery of this our order. Dated this _____, 18 _____.

J. J.

J. K.

To E. F. and G. H.,
Overseers of the poor of the parish of _____, in the county of _____

(19.) Note to be given by overseers to treasurer, pursuant to 3 & 4 Will. IV. c. 90, s. 36, (ante, 380.)

The sum of £ _____ was this day paid by the undersigned, the _____ of the parish of _____, in the county of _____, to _____, the treasurer appointed in the said parish, under a certain act passed in the fourth year of the reign of king William the Fourth, intituled, &c. [set out title of act] in pursuance of the order for levying the same, issued on the _____ day of _____, 18 _____, by the inspector duly appointed under the said act. Dated this _____ of _____, 18 _____.

E. F.

G. H.

(20.) Receipt to be given by treasurer to overseers, pursuant to that sect. (ante, 381.)

Received the _____ day of _____, 18 _____, of _____ and _____, the _____ of the parish of _____, the sum of £ _____, levied by them in the said parish, pursuant to an order dated the _____ day of _____, last made, and _____, the inspectors duly appointed in the said parish, under a certain act passed in the fourth year of the reign of king William the Fourth, intituled "An Act," &c. [set out title of act].

E. F., the treasurer duly appointed in the parish of _____, inspectors, pursuant to 3 & 4 Will. IV. c. 90.

(21.) Notice of appeal.

To the inspectors of the parish of _____, in the county of _____, under the provisions of the stat. 3 & 4 Will. IV. c. 90, [or "to J. J. P., justices of the peace acting in and for the county of _____"]

This is to give notice to you and every of you, that I, A. B. of _____, intend at the next general quarter sessions of the peace to be holden in the county of _____, at _____, in the said county, to appeal against the order, direction, or appointment of you, the said inspectors, [or "certain order" or "conviction of you, the said justices"], dated the _____ day of _____ last; and that the grounds of such appeal are that [here set out grounds of appeal], of all which premises you, the said inspectors, are hereby desired to take notice. Dated this _____ day of _____, 18 _____.

(Signed)

A. B. of _____

g) See in general, as to weights and to 179; as to foreign weights, see
Watts, 2 *Chil. Commercial L.* 168 *Holt's C. N. P.* 747.

1. *Different
Kinds and
Standards, &c.*

How far custo-
mary measures
may be used.

409, all articles are to be sold by avoirdupois weight, except as stated.

Before the passing of the 5 Geo. IV. c. 74, which we shall notice, no other weight or measure could properly be used but those mentioned by the statutes repealed by that act; and it was illegal by any other measure than the Winchester measure, of eight bushels. (*R. v. Major*, 4 T. R. 750.) And the buyer of corn other than the Winchester measure was subject to the penal addition to the value of the corn so bought, by the 22 & 23 (C. 12) (*R. v. Arnold*, 5 T. R. 353; *Nolan*, 281, S. C.) And *Thomas*, 1 M'Clel. & Y. 119, in which it was held that a contract for the sale of corn by the hocket was in contravention of the provision of the 22 Car. II. c. 8, s. 2; and therefore an action could not be maintained for breach of it.

And where the reddendum in a hospital renewed lease was for a certain number of quarters of corn, it was held, that it ought to be under the legal quarters, reckoning the bushel at eight gallons, although the lease, before the statute of 22 & 23 Car. II. c. 12, contained a different reddendum, and although till lately the lessees paid by reckoning the bushel at nine gallons. (*Hospital of St. Croix de Walden*, 6 T. R. 338.)

So, also, in the case of *Noble v. Durrell*, it was determined in a particular market town (Bridgnorth), that butter sold by weight, and not by the pound, was bad. But Lord Kenyon said, "that he did not mean, in deciding that question, that a contract for butter in lumps of any number of ounces was not good." J., said, "that this question did not interfere with the question whether to sell butter in lumps of any particular weight, is good or bad; but had not seen any act which required persons not to sell more than a pound: but the question there is, when a person is selling by a specific denomination of a pound, shall he be compellable to sell more than a pound?" (*Noble v. Durrell*, 3 T. R. 271.)

In the case of *Watts v. Friend*, tried at Maidstone, 11th Nov. 1828, before Lord Tenterden, (10 B. & Cres. 446, S. C.) it was in assumpsit for non-delivery of seed of turnips. It appeared that the contract was made verbally, for the sale of the seed, while the turnips were growing. And the sale was by the strike, and by measure, although the parties knew that the imperial standard was the lawful measure. Lord Tenterden observed, "that parties must be presumed to know the law. The 5 Geo. IV. c. 74, s. 15, (post, 404,) virtually contracts to sell by measure, and if not, they must, in and by the very words of the act, state the terms of their bargain, for otherwise the provision would be avoided, and that it was therefore questionable whether the parties could, upon the parol contract, recover; and that the contract was reserved." (*Chil. Col. Stat.* 1107.) The case afterwards went off on another point, the contract being within the statute of frauds, and void for want of being in writing. Lord Tenterden, C.J., though not called on to decide the above question, said, "I cannot forbear observing, that if a contract for a sale of corn by the Winchester bushel, made as this was, is to be deemed valid, the 5 Geo. IV. c. 54, will be in a great degree defeated." (10 B. & Cres. 448.)

Now abolished by
statute.

The 5 & 6 Will. IV. c. 63, s. 6, post, 408, expressly abolishes all local and customary measures. The 14th sect. of that act points out the mode of ascertaining those measures in future. See *Tyson v. Thomas*, 1 M'Clel. & Y. 128, in which it was decided before that act, that since the passing of the 5 Geo. IV. c. 74, a sale might be effected by any local weight or measure, if the ratio of such weight or measure to the standard weight or measure was specified in terms.

5 Geo. IV. c. 74.

By the 5 Geo. IV. c. 74, intituled "An Act for ascertaining and establishing Uniformity of Weights and Measures," (and which a

12, s. 1, did not take effect before 1st January, 1826), after
 Whereas it is necessary for the security of commerce, and for
 the community, that weights and measures should be just
 : and whereas, notwithstanding it is provided by the great
 there shall be but one measure and one weight throughout
 and by the treaty of union between England and Scotland,
 the weights and measures should be used throughout Great
 Britain then established in England, yet different weights and
 measures were larger, and some less, are still in use in various places
 of the United Kingdom of Great Britain and Ireland, and the
 of the present standards is not verily known, which is the
 at confusion and of manifest frauds; for the remedy and
 of these evils for the future, and to the end that certain
 weights and measures should be established throughout the
 Kingdom of Great Britain and Ireland:" it is enacted, "That the
 straight brass rod, now in the custody of the Clerk of the
 Commons, whereon the words and figures 'standard yard,
 graved, shall be, and the same is hereby declared to be, the
 genuine standard of that measure of length or lineal exten-
 sion; and that the same straight line or distance between
 the said two points in the said gold studs in the said brass
 rod being at the temperature of sixty-two degrees by Fahren-
 heit's thermometer, shall be, and is hereby denominated the 'imperial
 yard,' and shall be, and is hereby declared to be, the unit or
 standard measure of extension, wherefrom or whereby all other
 measures of extension whatsoever, whether the same be lineal, super-
 ficial, shall be derived, computed, and ascertained; and that all
 length shall be taken in parts or multiples, or certain pro-
 portions of the said standard yard; and that one third part of the said
 yard shall be a foot, and the twelfth part of such foot shall be
 an inch; that the pole or perch in length shall contain five such
 yards, the furlong two hundred and twenty such yards, and
 the mile shall contain one thousand seven hundred and sixty such
 yards." All superficial measure shall be computed and ascertained
 by the said standard yard, or by certain parts, multiples, or proportions
 thereof, that the rood of land shall contain one thousand two hun-
 dred square yards, according to the said standard yard; and that
 the acre shall contain four thousand eight hundred and forty such
 square yards, being one hundred and sixty square perches, poles, or

**1. Different
Kinds and
Standards, &c.**

5 Geo. IV. c. 74.

After 1st May,
1825, standard
yard defined as
the measure of
length shall be
the unit of the
measures of ex-
tension.

Foot.
Inch.
Pole or perch.
Furlong.
Mile.

Superficial mea-
sures computed
from said yard.

Rood.
Acre.

And whereas it is expedient that the said standard yard, if
 lost, defaced, or otherwise injured, should be restored of the
 same length, by reference to some invariable natural standard: and
 it has been ascertained by the commissioners appointed by his
 Majesty to inquire into the subject of weights and measures, that the
 length of the said imperial standard yard, when com-
 pared with a pendulum vibrating seconds of mean time in the latitude of
 London at the level of the sea, is in the proportion of thirty-
 three and one thousand three hundred and
 ten thousandth parts of an inch;" be it therefore enacted and
 that if at any time hereafter the said imperial standard yard
 shall be in any manner destroyed, defaced, or otherwise
 injured, it shall and may be restored, by making, under the direction of
 the treasurer, or the commissioners of his majesty's treasury of
 the United Kingdom of Great Britain and Ireland, or any three of them,
 being, a new standard yard, bearing the same proportion to
 the said imperial standard yard as the said imperial standard yard bears to
 the said standard yard.

The yard, if lost,
&c. may be re-
stored by refe-
rence to the
length of a pen-
dulum vibrating
seconds at Lon-
don.

From and after the 1st day of May, 1825, the standard brass
 pound troy weight, made in the year 1758, now in the cus-
 tody of the Exchequer, shall be the standard pound defined as the

**1. Different
Kinds and
Standards, &c.**

5 Geo. IV. c. 74.

measure of
weight.

Ounce.

Pennyweight.

Grain.

Troy.

Avoirdupois.

Drachm.

The pound, if
lost, &c. may
be restored by
reference to the
weight of a cubic
inch of water.

Standard gallon,
containing ten
pounds avoirdu-
pois of water, to
be the measure of
capacity.

Gallon.

Quart.

Pint.

Peck.

Bushel.

Quarter.

Standard for
heaped measure.

tody of the clerk of the House of Commons, shall be, and hereby declared to be, the original and genuine standard weight, and that such brass weight shall be, and is hereby the imperial standard troy pound, and shall be, and the said declared to be the unit or only standard measure of weight all other weights shall be derived, computed, and ascertain one twelfth part of the said troy pound shall be an ounce; twentieth part of such ounce shall be a pennyweight; twenty-fourth part of such pennyweight shall be a grain; thousand seven hundred and sixty such grains shall be a troy pound, and that seven thousand such grains shall be, and they are hereby declared to be, a pound avoirdupois; and that one sixteenth part of the said avoirdupois shall be an ounce avoirdupois; and that one eighth of such ounce shall be a drachm."

Sect. 5. "And whereas it is expedient, that the said pound, if lost, destroyed, defaced, or otherwise injured, be restored of the same weight, by reference to some imperial standard; and whereas it has been ascertained, by the person appointed by his majesty to inquire into the subjects of weights and measures, that a cubic inch of distilled water, weighed in weights, at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches, is equal to one hundred and fifty-two grains and four hundred and fifty-eight thousandths of a grain, of which, as aforesaid, the imperial standard troy pound shall be five thousand seven hundred and sixty: be it therefore enacted, that at any time hereafter the said imperial standard troy pound, or shall be in any manner destroyed, defaced, or otherwise injured, and may be restored by making, under the directions of the lord high treasurer, or the commissioners of his majesty's treasury, in the Kingdom of Great Britain and Ireland, or any three of them for the time being, a new standard troy pound, bearing the same weight to the weight of a cubic inch of distilled water, as the said standard hereby established bears to such cubic inch of water."

Sect. 6. "From and after the 1st day of May, 1825, the standard measure of capacity, as well for liquids as for dry goods not measured by heap measure, shall be the gallon, containing ten pounds avoirdupois of distilled water weighed in air, at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches, and that a measure shall be forthwith made of brass, of such weight and dimensions as shall be determined by the lord high treasurer, or the commissioners of his majesty's treasury of the United Kingdom, or any three of them for the time being; and such brass measure shall be hereby declared to be the imperial standard gallon, and shall be hereby declared the unit and only standard measure of capacity, of which all other measures of capacity to be used, as well for ale, spirits, and all sorts of liquids, as for dry goods not measured by heap measure, shall be derived, computed, and ascertained. And that the said imperial standard gallon shall be taken in parts or multiples, or certain parts of the said imperial standard gallon; and that the quart shall be one fourth of such standard gallon; and the pint shall be one eighth of such standard gallon; and that two such gallons shall be a peck; and eight such pecks shall be a bushel; and eight such bushels shall be a quarter of such standard measure of dry goods, not measured by heaped measure."

Sect. 7. "The standard measure of capacity for coals, cinders, potatoes or fruit, and all other goods and things commonly measured by heap measure, shall be the aforesaid bushel, containing eighty pounds avoirdupois of water as aforesaid, the same being made (a) round

(a) By the 13 & 14 Will. III. c. 5, the standard in the Exchequer, was to be round, with a plain lid and a half inches wide and eight inches deep.

~~which goods and things commonly sold by heaped measure~~ used for articles
 ered, done, or agreed for, or to be sold, delivered, done, herein mentioned.
 y weight or measure, shall and may be either according
 dard of weight, or the said standard for heaped measure;
 , bargains, sales, and dealings, made or had for any other
 ' merchandise, or other thing done or agreed for, or to
 ed, done, or agreed for by weight or measure, shall be
 ccording to the said standard of weight, or to the said
 parts, multiples, or proportions thereof; and, in using,
 es shall not be heaped, but shall be stricken with a round
 straight and of the same diameter from end to end."
 is, however, repealed by the 5 & 6 Will. IV. c. 63, s. 7,

For other articles,
 weight or stricken
 measure.

rided, "That nothing herein contained shall authorize the
 id, by measure, of any articles, matters, or things, which
 wee in Ireland are required to be sold by weight only."
 opies and models (b) of each of the standard yard, the
 ound, the said standard gallon, and the said standard for
 , and of such parts and multiples thereof, respectively, as
 treasurer of the United Kingdom of Great Britain and
 said commissioners of his majesty's treasury, or any three
 is time being, shall judge expedient, shall within three
 next after the passing of this act, be carefully made and
 he direction of the said lord high treasurer, or the said
 of his majesty's treasury, or any three of them, for the
 i that the copies and models of the said standard yard, of
 rd pound, of the said standard gallon, and of the said
 ped measure, and of parts and multiples thereof, so forth-
 s and verified as aforesaid, shall, within three calendar
 he passing of this act, be deposited in the office of the
 the Exchequer at Westminster, and that copies thereof,
 said, shall be sent to the lord mayor of London and the
 of Edinburgh and Dublin, and of such other cities and
 ch other places and persons in his majesty's dominions or
 e lord high treasurer or commissioners of the treasury
 to time direct." (See the 17th section of the 5 & 6 Will.

Selling by mea-
 sure instead of
 weight in Ireland.

Copies and
 models of the
 standard of
 length, weight,
 and measure to
 be made and
 verified under
 direction of the
 treasury (a).

1. *Different Kinds and Standards, &c.*

5 Geo. IV. c. 74.

To be placed for custody and inspection as herein mentioned.

Expenses of procuring such models and copies, how to be paid in England and Scotland respectively.

For ascertaining measures of capacity, where reference cannot easily be had to standards.

All contracts for sale, &c. by weight or measure shall relate to the standard, unless the contrary is specified.

respective counties, ridings, or divisions, shires or stewartries, or places, or cities or royal burghs, a model and copy of each said standards of length, weight, measure, and of each of the multiples thereof; which models and copies, when so purchased, compared and verified with the models and copies deposited in the Exchequer as aforesaid, in such manner and upon payment of such fees as are at present payable to the chamberlains upon the comparison and verification of weights and measures with the standards thereof; and such models and copies, when compared and verified, shall be placed for custody and inspection with the justices of the peace, or persons, and in such place or places, as the said justices of the peace, in their respective counties, ridings, and divisions, shires, stewartries, cities, towns, and places, or cities or royal burghs, and the same shall be produced by the keeper or keepers thereof, upon reasonable notice, at such time or times and place or places as may be required by such county, riding, or division, shire, or stewartry, city, town, or city or royal burgh, as any person or persons shall, by writing under his or their hand or hands, require; the person requiring the same to pay the reasonable charges of the same."

Sect. 13. "The expense of procuring and transmitting models and copies for the respective counties, ridings, or divisions, or places, shall be paid in that part of the said United Kingdom called England, out of the rates payable in such counties, ridings, or divisions, cities, towns, or places; and in the said United Kingdom called Scotland, such expenses in shires and stewartries, and cities or royal burghs, shall be paid by the commissioners of supply upon such shires and stewartries, and cities or royal burghs, by the magistrates thereof, and shall be paid out of the land-tax payable in such shires or stewartries, and cities or royal burghs, to the collectors of the land-tax in such shires or cities or royal burghs, respectively; and in Ireland such expenses shall be paid in the respective counties, and counties of cities and counties, by presentments to be made by grand juries; and the collectors of the county rates in England, of land-tax in Scotland, and of the county rates under grand jury presentments in Ireland, shall have such powers of levying and recovering the assessments to be made by grand juries, as are competent to them for levying and recovering the rates, land-tax, and grand jury assessments respectively; and the collectors respectively shall, out of the proceeds of such rates, pay the expenses of procuring and transmitting such models and copies as aforesaid accordingly." [By the 5 & 6 Will. IV. c. 63, s. 1, the expense of providing weights and measures, as regulated by this act, is to be paid out of the county rate.]

Sect. 14. "That in all cases of dispute respecting the content of any measure of capacity, arising in a place where recourse cannot conveniently be had to any of the aforesaid verified copies or models, it shall be lawful to and for any justice of the peace, or magistrate having jurisdiction in such place, to ascertain the content of such measure of capacity by direct reference to the weight of pure or rain water which a measure is capable of containing; ten pounds avoirdupois weight of water, at the temperature of sixty-two degrees by Fahrenheit's thermometer, being the standard gallon ascertained by this act, to be in bulk equal to two hundred and seventy-seven cubic inches, and one hundred and seventy-four one-thousandth parts of a cubic inch, in proportion for all parts or multiples of a gallon."

Sect. 15. "From and after the 1st day of May, 1825, all contracts for sale, gains, sales, and dealings which shall be made or had within the United Kingdom of Great Britain and Ireland, for any goods, wares, merchandize, or other things, to be delivered, done, or agreed for by weight or measure, which

at so to be ascertained shall be the rule of payment in regard to all contracts, rents, toll, or rates, in all time coming; and the costs and expenses of such inquisitions, and the inrolments thereof, shall be paid defrayed, in England, out of the general rate or stock of every such county, riding, division, city, town, or place (being a county of itself), and the same to be presented, by presentments of the several grand juries."

, 5 & 6 Will. IV. c. 63, s. 14, *post*, 409, the inquisition named

Tables to be constructed for the collection of the customs and excise, &c.

In Westminster.

Vessels of wine, and other gaugeable liquors imported into London, liable to gauge as heretofore by lord mayor or his deputies.

Sect. 20. "And whereas the weights and measures by which the duties of the customs and excise, and other his majesty's duties have been heretofore collected, are different from the weights and measures of the same denominations directed by this act to be used: and whereas the alteration of such weights and measures without due care had therein, greatly affect his majesty's revenue, and tend to the diminishing of the same: for the prevention thereof, it is therefore enacted, That so soon as conveniently may be after the passing of this act, accurate tables shall be prepared and published in the direction of the said commissioners of the treasury for the purpose, in order that the several rates and duties of customs and excise, and other his majesty's revenue, may be adjusted and made payable according to the respective quantities of the legal standards directed by this act to be universally used; and that, from and after the said 1st day of January, 1763, [see the 6 Geo. IV. c. 12, *post*, 407,] and the publication of the said tables, the several rates and duties thereafter to be collected by any officer of his majesty's customs or excise, or other his majesty's officers, shall be collected and taken according to the calculations in the said tables prepared as aforesaid."

It should also be noticed, that the 5 Geo. IV. c. 55, s. 9, enacts, "That tables of weights and measures shall be constructed under the direction of the treasury, by which the duties, &c. of customs and excise, shall be uniformly collected throughout the United Kingdom," Vol. II.)

[See sects. 21, 22, 23, of the 5 Geo. IV. c. 74, *post*, 419,] Sect. 24, (*post*, 423), contains a proviso as to the 31 Geo. III. c. 32, which empowers the dean and chapter of Westminster, &c., to appoint an officer to sign and seal weights and measures.

Sect. 25. Provided, "That from and after the passing of this act, no tun, pipe, tertian, hogshead, or other vessels of wine, or other gaugeable liquors, imported or brought into the port of London, and landed within the said city and the liberties thereof, shall be subject and liable to be gauged, as heretofore hath been of right, by the lord mayor of the said city for the time being, or by his officers, or by his office of gauger, or by his sufficient deputies, lawfully appointed, and except that the contents of all such tuns, pipes, tertians,

officer of the Exchequer duly authorized should be empowered to receive and verify, and stamp as so compared and verified, standards of length, weight, or measure, although not exact models and copies in shape or form of the respective standards of length, weight, and measure deposited under the provisions of the said first-recited acts in the office of the said chamberlains and auditor: and whereas it is expedient that the use of all weights and measures not in conformity with the weights and measures established by the said recited acts should be prohibited, and the use of the heaped measure should be abolished;” enacts, “That such of the said last-mentioned recited acts as require that all weights and measures shall be models and copies in shape or form of the standards deposited in the Exchequer, and also so much of the said recited acts as require the use of weights and measures not in conformity with the imperial standard weights and measures established by the said acts, or allow any goods or merchandize to be bought or sold by any weights or measures not authorized by local custom or founded on special agreement, shall be repealed, and the same are hereby repealed.”

Act 4. “All weights and measures which have been so verified and stamped at the Exchequer at Westminster as copies of the standard weights and measures, corresponding in weight and capacity with those established by the said recited acts, shall be deemed and taken to be legal weights and measures, to be used for comparison as copies of the imperial standard weights and measures, although not similar in shape to those deposited under the provisions of the said recited acts; and that the superintendent general, or some other officer of the Exchequer at Westminster duly authorized, may compare and verify, and stamp as so compared

Weights and measures stamped at the Exchequer declared legal, although not similar in shape to those required by recited acts.

Superintending officer may verify

1. *Different Kinds and Standards, &c.*

and stamp weights and measures of other form than those prescribed by 5 Geo. IV. c. 74.

Copies of the standard weights and measures, which shall have been worn and mended, to be sent to the Exchequer to be re-verified.

Officer to keep a register thereof.

Local and customary measures abolished.

Not to prevent sale of articles in certain vessels.

Heaped measure abolished.

Articles heretofore sold by heaped measure, how to be sold.

Coals to be sold by weight and not by measure.

and verified, as correct standard measures of a yard, and standard weights, and as correct standard measures of capacity with the standards, or parts or multiples thereof deposited in the Exchequer under the said act of the fifth year although such weights and measures may not be models of the shape or form of the standards so deposited as aforesaid; the said recited acts to the contrary notwithstanding."

Sect. 5. "All copies of the imperial standard weights and measures which may have become defective, or have been mended in consequence of any wear or accident, shall forthwith be sent to the Exchequer at Westminster for the purpose of being again compared and re-verified, and shall be stamped as re-verified copies of the imperial standard weights and measures, provided that the comptroller general or other officer for such verification, shall deem them fit to be used for the purpose of the standards; and every new comparison and verification shall be upon the original indenture of verification; and such weights and measures shall be so stamped upon payment of fees of verification, and the comptroller general or other officer at the Exchequer shall keep an account or register of all copies of the imperial standard weights and measures that shall have been re-verified." [See sect. 27, *post*, 413.]

Sect. 6. "From and after the passing of this act, the measures called the Winchester bushel, and the lineal measure called the Standard, and all local or customary measures, shall be abolished; and every person who shall sell, by any denomination of measure other than the imperial measures, or some multiple or some aliquot part, of the imperial measures, the quarter, the eighth, the sixteenth, or the thirty-second part, shall, on conviction, be liable to a penalty not exceeding 40s. for every such sale: Provided always, that nothing herein contained shall prevent the sale of any articles in any vessel, where such vessel is presented as containing any amount of imperial measure, or of any local, or customary measure heretofore in use." [See *ante*, 412.]

Sect. 7. "And whereas the heaped measure is liable to variation; be it therefore enacted, That from and after the passing of this act so much of the said recited acts as relate to the heaped measure shall be and are hereby repealed, and the use of the heaped measure shall be abolished, and all bargains, sales, and contracts which shall be made by the heaped measure shall be null and void; and every person who shall sell any articles by the heaped measure, shall, on conviction, be liable to a penalty not exceeding 40s. for every such sale."

Sect. 8. "And whereas some articles heretofore sold by measure, are from their size and shape incapable of being strictly measured, and their nature and quality may not be conveniently sold by measure; be it therefore enacted, That all such articles may henceforth be sold by the imperial bushel measure, corresponding in shape with the bushel measure, and by the said act passed in the fifth year of the reign of his late Majesty King George the Fourth, for the sale of heaped measure, or by any multiple, or by any part, such as the half, the quarter, or the eighth part thereof, as nearly to the level of the brim as the size and shape of the articles sold will admit: Provided always, that nothing herein contained shall prevent the sale by weight of any article heretofore sold by measure."

Sect. 9. "And whereas the sale of all coals, slack, culm, and cannel of every description by weight, and not by measure, would tend to prevent the commission of frauds and impositions in the sale of such coals, slack, culm, and cannel of every description; be it therefore enacted, That from and after the 1st day of January, 1836, all coals, slack, culm, and cannel of every description shall be sold by weight, and not by measure; and every person who shall from and after the 1st day of January, 1836, sell any coals, slack, culm, or cannel

such cases the proportions are to be v. Penn, 9 M. & Wels. 687.)

1. *Different Kinds and Standards, &c.*

5 & 6 Will. IV.
c. 63.

officers of every such county, city, town, or place, to inquire and ascertain the amount, according to the standard of weight or measure established by this act, of all contracts to be performed or rent in grain or malt, or any other commodity or thing, or with the measure or weight of any such grain, malt, or other commodity or thing, and the amount of any toll, rate, or duty heretofore according to any weights and measures heretofore in use in such counties, cities, towns, or places respectively; and in taking such inquiry, care shall be taken that in every case in which grain, or any other commodity or thing, having, before the said 1st day of January, 1835, been sold by weight, shall henceforth be sold or having before the said 1st day of January been sold by measure, shall henceforth be sold by weight, no increase or diminution in the amount of any rate, toll, or duty hereafter payable for such grain or any other commodity or thing, due regard being had to the difference of measure for weight, or of weight for measure, as the case may be. And all such inquiries, when taken, shall be transmitted by the clerk of the peace of the same counties respectively, or by the bailiff, or other head officer of every such city, town, or parish or county of itself,) into his majesty's Court of Exchequer at London and Dublin respectively, and shall be there inrolled of record, and may be given in evidence in any action or suit at law, and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in such contracts, rents, tolls, rates, or duties in all time coming. And the costs and charges of such inquiries and the inrolments shall be paid and defrayed by the party on whose application such inquiry shall be taken."

Sect. 15. Relates to the ascertaining certain rents, tolls, &c. in Scotland.

Sect. 16. Contains a regulation as to fair prices of commodities in Scotland.

Copies of the imperial standards to be provided by order of general or quarter sessions in England, and by meetings of justices in Scotland.

Sect. 17. "In England at the general or quarter-sessions of the peace next after the passing of this act, the justices of the peace of each county, riding, or division, or county of a city or county of a town, at the next quarter sessions assembled, and in Scotland the justices of the peace at the next meeting to be called for the purpose by the sheriff of each county, or the magistrates of each royal burgh, within three months after the passing of this act, and so from time to time at any subsequent general or quarter sessions, or meeting so called as aforesaid, shall determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures within their respective jurisdictions, and shall direct that such copies shall be made, and stamped at the Exchequer, shall be provided for the use of the same, and shall fix the places at which such copies shall be deposited. And they shall appoint a sufficient number of inspectors of weights and measures, and shall direct the safe custody of such copies, and for the discharge of the duties hereinafter mentioned, and shall allot to each inspector a separate district to be distinguished by a number or mark, and shall direct what reasonable remuneration shall be paid to such inspectors."

Appointment of inspectors (b).

(a) In counties of cities, and counties of towns, to which a court of quarter sessions has been granted under stat. 5 & 6 Will. IV. c. 76, the recorder, by sect. 105, has the powers relating to inspectors of weights and measures given by sect. 17 of stat. 5 & 6 Will. IV. c. 63, to the magistrates in quarter sessions assembled. (*Reg. v. Hull (Recorder)*, 8 Ad. & E. 638; 3 N. & P. 595, S. C.)

Although the powers of the recorder be limited to a less extensive than the county comprehended in the statutes passing those statutes.

See sect. 25, *post*, which extends the powers of the magistrates power out of the county, as to other places.

(b) As to the powers of the inspectors to inspect, &c. see *post*, 415.

in manner as best to prevent fraud, such weights and measures examined and compared, if found to correspond with the standard and the fees for such examination, comparison, and stamping according to the scale contained in the schedule to this act. Every person who shall use any weight or measure other than authorized by this act, or some aliquot part thereof as herein provided, or which has not been so stamped as aforesaid, except in the case of weights or measures used in the sale of goods, or which shall be found light or otherwise unjust, in violation, forfeit a sum not exceeding 5*l.*; and any contract, agreement, or sale made by any such weights or measures shall be wholly void, and every such light or unjust weight and measure so being discovered by any inspector so appointed as aforesaid, and on conviction of the person using or possessing the same, shall be forfeited: Provided always, that nothing herein contained shall require any single weight above fifty-six pounds to be stamped, such weight of fifty-six pounds being the greatest weight of any standard weights deposited in the Exchequer; and that nothing herein contained shall extend to require any wooden or wicker measure in the sale of lime, or other articles of the like nature, or earthenware jug or drinking cup, though represented as containing a certain amount of any imperial measure, or of any multiple thereof, to be stamped; but any person buying by any vessel represented as containing a certain amount of any imperial measure, or of any multiple thereof, shall be authorized to require the contents of such vessel to be ascertained by comparison with a stamped measure, such stamped measure to be provided by the person who shall use such wooden or earthenware, glass jug or drinking cup as aforesaid; and in case the

Penalty on using weights or measures not authorized by act, &c.

No weight above 56*lbs.* to be inspected or stamped.

the land tax payable in such shires or stewartries and burghs, to the collectors of the land tax in such shires or cities or royal burghs respectively; and in Ireland such respective counties, counties of cities, and counties of towns provided for and paid by presentments to be made by the collectors of land tax in Scotland shall have such and the same powers of levying and recovering the assessments to be made upon them as the collectors of land tax in England have, and they are competent to them for levying and recovering the said land tax.

No maker or seller of weights or measures to be appointed inspector.

Inspectors to enter into recognizance.

Inspectors to attend at market towns, when ordered by justices, &c.

Sect. 23. "After the passing of this act no maker or seller of weights or measures, or person employed in the making or selling thereof, shall be appointed an inspector of weights and measures under this act; and that every inspector shall forthwith enter into recognizance to the king, to be sued for in any court of law, in and out of the county of Middlesex, in a sum of 200*l.*, for the due and punctual performance of his office, and for the due and punctual payment, at such time and place as may be directed by the justices, magistrates, or other persons who may have been appointed, of all fees received by him under this act, and for the safety of the stamps and copies of the standard weights and measures committed to his charge, and for the due restoration and surrender to such person or persons as may be appointed to receive them by the justices, magistrates, or other persons, immediately on his removal or other cessation from office."

Sect. 24. "In England the justices in general or quarter sessions, and in Scotland the justices or magistrates at a meeting of the peace, and the sheriff, and in Ireland the grand jury of each county, county of a town, shall determine and appoint on what day and at what place every such inspector shall attend with the stamps and copies of the imperial standard weights and measures in his custody, and at several market towns, and at such other places within the several jurisdictions as they shall deem expedient; and every such inspector attending shall examine, compare, and stamp if found correct, all weights and measures as shall be brought to him for that purpose, and shall also upon all measures and upon all weights of a quarter pound and upwards stamp a number or mark distinguishing the day when he acts, and he shall keep a book, wherein he shall enter

and discharge the same duties as the inspectors of weights appointed under this act by the county justices or grand jury of the respective counties, and shall account as aforesaid to such authority. He shall be duly authorized by those by whom they may have been appointed to receive the amount of the fees received by them: Provided always, that the provisions herein contained shall prevent inspectors appointed by county justices or grand juries from coming to any place within the limits of such jurisdiction or authority as aforesaid, and there inspecting and weighing weights and measures of any person residing within the limits of such jurisdiction, in which such inspectors may have been appointed; but that any person who knowingly stamps any weight or measure of any person residing within the limits of any local jurisdiction for which another inspector is legally appointed as aforesaid shall forfeit a sum not exceeding the value of every weight or measure which he may so stamp."

Penalty on Inspector knowingly stamping weights, &c. of any person residing out of the district.

Weightmasters in Ireland are to be supplied with beams and weights and true copies.

No weight or measure duly stamped by any inspector acting under the authority of the said act hereby repealed, or this act, shall be liable to be re-stamped, although used in any other place than that at which the same was stamped, but shall be considered as a legal weight or measure in the United Kingdom, unless found to be defective or unjust."

Weights and measures once stamped need not be restamped.

East India Docks; when the dock master for that the only set of weights to the company had all others used in the property of the Crown; it was admitted by the dock master that the weights and measures belonged to the company and that they lent them to the use of the Crown; and on inquiry it was discovered that the weights and measures were

used for the use of the Crown?—2ndly. Whether also under the same section the inspectors could seize weights and measures without comparison, on the ground of their being unstamped, or whether the power of seizure alone given after comparison and weights or measures found insufficient? Upon these points the opinion of Sir J. Campbell (Attorney-General) was taken; and in answer to the questions, he was of opinion that the circumstance of the

2. Examination, &c. of Penalties, &c.

II. Examination of Weights, &c., and Penalties, &c. Defective ones. Recovery, &c. of Penalties. Inspectors. Limitation of Actions, &c.

Selling by false weights offence at common law.

The selling by false weights or measures is an offence at law, and may be punished by indictment, fine, and imprisonment. ("Cheat," Vol. I.)

Power of leet jury, &c. over.

The court leet have jurisdiction to inquire into weights and measures within its jurisdiction. (See "Leet," Vol. III.) But the leet in general enter shops, &c. to examine weights, &c.; the proceedings are commenced against by summons. (And. 48.) There may be a custom in the manor to make such entry, and then it will be lawful. The custom may also extend for the jury to break and destroy measures; and it would be a lawful custom. (Willcock v. Willcock & Adol. 43.)

The 5 & 6 Will. IV. c. 63, s. 45, *post*, 424, expressly reserves to the court leet the jurisdiction as to the examination, &c. of weights, &c., and of such powers is still recognised by the later act of 3 & 4 Vict. c. 34, which gives the right of appeal to persons thinking themselves aggrieved by any presentment or proceeding of any leet jury, or court leet, in any hundred or manor within the metropolitan police district, or in any borough, town, or village, appointed at such court leet, with respect to examining or seizing, breaking, or destroying any weights, balances, &c. (See the enactment, title "Leet," Vol. III.)

Statutes as to examination of weights and measures.

The statutes now in force relative to the examination of measures, and inflicting penalties and forfeitures on persons dealing with defective ones, or obstructing the examination by inspectors, are 22 Geo. II. c. 25, and 31 Geo. II. c. 17, which are confined in their operation to the city and liberty of Westminster, and the general act of 5 & 6 Geo. IV. c. 63. The statutes of 35 Geo. III. c. 102, 37 Geo. III. c. 143, and 1 Geo. IV. c. 43, the existence of which was recognised by the 5 & 6 Geo. IV. c. 63, are now, it would seem, virtually repealed by the 5 & 6 Will. IV. c. 63.

In Westminster.

Duty of the jury with respect to weights and measures.

By the 29 Geo. II. c. 25, s. 14, "for preventing persons from using unlawful weights, balances, or measures within the said city of Westminster," it is enacted, "That the said annoyance jury hereby authorized and empowered, at all seasonable times it shall be lawful for them to enter into any shop, house or warehouse, within the said city, belonging to any person or persons that deal by weight or measure; and if the said jury shall find any weight, balance or measure to be unlawful or defective, it shall and may be lawful to and for the said jury, and they are hereby directed and required, to break and destroy the same, and to amerce the person or persons so offending, in such sums of money as they shall think proper, according to the nature of the offence, not exceeding 40s. for any one offence."

Weights and measures to be sized, sealed, and marked by the proper officer.

Also by the 31 Geo. II. c. 17, s. 9, reciting, "Whereas by the said act the said annoyance jury are empowered to destroy and break any weights, balances, and measures, of persons dealing by weight or measure within the limits aforesaid; and a doubt having been expressed as to the construction of such part of the said act as relates to the obviating whereof," it is enacted "That all weights and measures used by persons dealing by weight or measure, within the said city and liberty, shall be sized and sealed by the standards of the said city, and also marked with a portcullis by the officer appointed for that purpose, or by such other officer as may be appointed by the said dean, high steward, or his deputy, or by the chief burgesses, and the other burgesses, of Westminster, or more of them, whereof the said dean, high steward, or his deputy, shall always to be one, at a court to be held for that purpose, (an

4d.; and all weights and measures belonging to persons
 ht or measure within the said city and liberty, which shall
 nd marked in manner before directed, shall be deemed
 it shall and may be lawful for the said annoyance jury, or
 ore of them, and they are hereby authorized and required
 uch unlawful weights and measures, and to amerce the
 re thereof, or the person in whose possession the same
 in any sum or sums of money not exceeding 40s. for any

Unsealed weights
 and measures may
 be destroyed as
 unlawful,

and the owners
 amerced in a sum
 not exceeding 40s.

enacts, "That the officer already appointed, or hereafter
 l as aforesaid, after all necessary charges and expenses
 sing, sealing, and marking such weights and measures as
 have been first deducted, shall, and he is hereby directed
 lf-yearly, within one calendar month next after the 25th
 nd the 29th day of September, in every year, to pay or
 to the deputy steward of Westminster for the time being,
 is trouble and expense in attending his office of deputy
 minster, one moiety of the clear money arising from or
 uch fixing, sealing, and marking as aforesaid."

Sealing officer to
 pay half yearly to
 the deputy stew-
 ard a moiety of
 his profits.

Will. IV. c. 63, s. 28, "In England and Ireland it shall
 ery justice of the peace of any county, riding, or division,
 town, and in Scotland for every sheriff, justice, or magis-
 ough or town, or for any inspector (authorized in writing
 of any justice of the peace in England and Ireland), or of
 ice, or magistrate in Scotland, at all seasonable times to
 store, warehouse, stall, yard, or place whatsoever within
 (a), wherein goods shall be exposed or kept for sale, or

In General.

Power to justices
 and inspectors to
 enter shops and
 inspect weights
 and measures (a).

, B., in *Hutchinson v.* therefore, that whatever authority the
 P. 755. "This term is justice has, a person authorized by him
 all persons, the per- in writing must have; and that being
 mentioned, that is, the a general authority to enter at all sea-
 within his jurisdiction, sonable times, it follows, that he may,
 enter within his jurisd- in a general form, transfer the same

2. Examination, &c. of Penalties, &c.

5 & 6 Will. IV.
c. 63.

False weights
forfeited.

Penalty.

Refusal to produce
for or obstruct-
ing examination.

Penalty on inspec-
tor for neglect of
duty or for mis-
conduct.

Penalty for coun-
terfeiting stamps
on weights and
measures.

• Sic.

Penalty on price
lists, &c. denot-
ing greater or less
weight or mea-
sure than the
same denomina-
tion of imperial
weight or mea-
sure.

Recovery of pe-
nalties in England
and Ireland.

shall be weighed for conveyance or carriage, and there to weights, measures, steelyards, or other weighing machines, and and try the same with the copies of the imperial standard measures required or authorized to be provided under this upon such examination it shall appear that the said weights are light or otherwise unjust, the same shall be liable to be forfeited; and the person or persons in whose possession they be found shall, on conviction, forfeit a sum not exceeding £5: person who shall have in his or her possession a steelyard or weighing machine which shall on such examination be found otherwise unjust, or who shall neglect or refuse to produce for examination, when thereto required, all weights, measures, and other weighing machines which shall be in his or her possession otherwise obstruct or hinder such examination, shall be liable to the same penalty."

Sect. 29. "In case any inspector of weights and measures or other person legally authorized to examine and stamp any measures, shall stamp any weight or measure without duly verifying the same by comparison with a copy of the imperial standard, or shall be guilty of a breach of any duty imposed upon him by this act, or otherwise misconduct himself in the execution of his office, the offender shall, upon conviction, forfeit a sum not exceeding £5: for such offence."

Sect. 30. "If any person or persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or act or assist in the making, forging, or counterfeiting, any stamp now used or which may hereafter be used for the stamping of any weights or measures under this act, shall for every such offence, on conviction, forfeit a sum not exceeding 50*l.* or less than 10*l.*; and any person shall knowingly sell, utter, dispose of, or expose in public view any weight or measure with such forged or counterfeit stamp thereon, every person so offending shall for every such offence, on conviction, forfeit a sum not exceeding 10*l.* or less than 40*s.*; and all weights and measures with such forged or counterfeited stamp shall be forfeited and broken up, and the proceeds thereof shall be disposed of in the manner hereinafter mentioned."

Sect. 31. "From and after the 1st day of January, 1836, if any person or persons shall print, or if the clerk of any market or other officer shall make any return, price list, price current, or any journal or other publication containing price list or price current, in which the denominations of weights and measures quoted or referred to shall denote greater or less weight or measure than is denoted or implied by the denomination of the imperial weights and measures under act, to the provisions of this act, such person or persons or clerk of market shall forfeit and pay any sum not exceeding 10*s.* for every such return, price list, price current, journal or other publication which he or they shall publish."

Sect. 32. "All penalties and forfeitures which shall be incurred by any person or persons in contravention of any of the provisions of the said recited act of the fifth year of George IV. or this act, after deducting so much thereof, not exceeding £5: to be paid to the party on whose information the conviction took place, as the justice before whom the party is convicted shall think fit, shall be paid to the treasurer of such county, riding, or county of a city, corporate town, or other place in which the offence shall be respectively recovered, or to such other person as shall be authorized to receive the same, and be applied to and make good the deficiency of county stock, or of such other funds as shall be liable, under the provisions of this or any other act, to the cost of providing and maintaining copies of the imperial standard weights and measures, notwithstanding."

ngs, or divisions in England and Ire-
under this act shall be sued for before
at petty sessions, or before the mayor
city, borough, town, or place within
all have been committed; and that the
ding to the following form, or in words

2. Exemptions, &c. of Penalties, &c.

§ 2 & 3 WILL. IV. c. 63.
Being for penalties.

day of, in the year of our
re us, two of His Majesty's justices of the
' or 'chief magistrate of the city, borough,
the offence, and the time and place when
ay be], contrary to an act passed in the
Rem the Fourth, intitled, &c. [as the case
e that the said A. B. hath forfeited for his
[here insert the penalty]. Given under
and seal'] the day and year first above

Form of conviction.

reland all penalties and forfeitures in-
ry, in case of non-payment thereof, be
the order and adjudication of two or
' sessions, or before the mayor or other
city, town, or place within whose jurisdic-
a committed, on complaint to them or
forwards be levied, as well as the costs
on-payment, by distress and sale of the
e offenders, by warrant under the hands
and seal of such mayor or other chief
authorized and required to summon
concerning such offence, and to hear and
plus (if any) of the money so raised or
penalties or forfeitures, and the costs
e returned, on demand, to the respective

Mode of recovery of penalties.

By distress, &c.

of the goods and chattels so seized and distrained; and in case
ch penalty or forfeiture shall not be forthwith paid, it shall be
for the said justices, mayor, or other chief magistrate, to order any
or so convicted to be detained in safe custody until return can be
sently made to such warrant of distress, unless such offender can
sufficient security, to the satisfaction of such justices, mayor, or
chief officer, for his or her appearance before the said justices, or
some other justices having jurisdiction, or before such mayor or
chief magistrate, on such day as shall be appointed for the return
h warrant, such day not being later than eight days from the day of
any such security, and which security any such justices, mayor,
or chief magistrate are and is hereby empowered to take by way of
ance or otherwise; but if upon the return of such warrant it shall
that no sufficient distress can be had whereupon to levy the said
y or forfeiture and costs and expenses aforesaid, and the same shall
forthwith paid, or in case it shall appear to the satisfaction of any
justices, mayor, or other chief magistrate, upon the confession of
ender or otherwise, that he or she hath not sufficient goods and
e whereupon such penalty or forfeiture, costs and expenses, could
had if a warrant of distress were issued, such justices, mayor, or
chief magistrate shall not be required to issue such warrant, but in
case such justices, mayor, or other chief magistrate is hereby
ed, by warrant under their hands and seals or his hand and seal, to
it such offender to some common gaol or house of correction for
nty, city, borough, town, or place, there to remain without bail
lapse for any time not exceeding two calendar months, or until
offender shall have paid such penalty or forfeiture, and all costs
arges attending the proceedings, (to be ascertained by such jus-
a. VI.

If not sufficient distress, offender to be committed to common gaol, &c.

2. Examination, &c. of Penalties, &c.

5 & 6 Will. IV.
c. 63.

Appeal.

tices, mayor, or other chief magistrate,) or shall otherwise be by due course of law.”—(See “Commitment in Execution,” Vol. I.)

Sect. 35. “In England and Ireland all persons who may themselves aggrieved by any order, judgment, or determination of the peace, mayor, or chief magistrate, relating to any matter in this act mentioned or contained, may, within fourteen days after such order, judgment, or determination shall have been made, appeal to the justices of the peace at the then next ensuing quarter sessions to be held for the city, borough, or county where the alleged cause of appeal shall arise, first giving seven days’ writing of such intention to appeal, and the grounds and nature thereof to the party against whom such complaint is intended to be made, forthwith after such notice entering into a recognizance before the justices of the peace, mayor, or other chief magistrate, with two sureties, conditioned to try such appeal, and abide the order of the said court thereon; and the said justices shall either hear and determine the said complaint at such general or quarter sessions, or if they think proper, shall adjourn the hearing thereof to the following or quarter sessions of the peace to be held for such city, borough, or county; and the said justices may, if they see cause, mitigate or remit the fine or forfeiture, and may order any money to be returned which has been levied in pursuance of such order or determination, and may order any such further satisfaction to be made to the party aggrieved as they shall judge reasonable, and may also order such costs to be paid by the party aggrieved by the party aggressing as they shall think fit.”—(See in general, title “Appeal,” Vol. I.)

Proceedings not to be quashed for want of form. Certiorari.

Sect. 36. “No proceeding to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or be removed by any other writ or proceeding whatsoever, into any of the courts of record at Westminster or elsewhere, any law or statute to the contrary notwithstanding.”

Penalties in Scotland.

Sects. 37 & 38 relate to the recovery of penalties in Scotland against sentences there.

Limitation of actions.

Sect. 39. “In all actions brought against any person for any offence done in pursuance of this act, or in the execution of the powers thereof, such action shall be laid and brought in the county or place in which the cause of action shall have arisen; and the defendant in such action may plead the general issue, and may deny the special matter in evidence at any trial to be had thereof; and if it shall appear to the jury that the acts were done in pursuance or by the authority of this act, or if they shall appear to have been so done, or that such action has been brought otherwise than as hereinbefore directed, then in such case the jury shall find for the defendant or defendants, and shall give such verdict, or if the plaintiff or plaintiffs shall become nonsuited, or shall suffer a discontinuance of his, her, or their action, after the plaintiff or defendants shall have appeared thereto, or if a verdict shall be given against the plaintiff or plaintiffs therein, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, or if the defendant or defendants shall have his, her, or their costs, as the case may be, then the plaintiff or plaintiffs shall have such remedy for recovering the same as defendants have for their costs of suit by law in any other cases.”

Venue.

General issue.

Costs.

Plaintiff not to recover after tender of amends.

Sect. 40. “No plaintiff shall recover in any action for any trespass, or other wrongful proceeding made or committed in pursuance of this act, if tender of sufficient amends shall have been made on behalf of the party or parties who shall commit such trespass, or other wrongful proceeding, before such action be brought; and in case no tender shall have been made, it shall be lawful for the plaintiff or plaintiffs in any such action, by leave of the court where the action shall depend, at any time before issue joined, to pay such sum or sums of money as he, she, or they shall think fit,

ings, order, and adjudication shall be had and made in and by 2. Examination, &c. of. Penalties, &c.

SCHEDULE OF FEES

to be taken by all Inspectors of Weights and Measures appointed under the Authority of this Act. Fees to be taken by inspectors.

Examining, comparing, and stamping all brass weights, within their respective jurisdictions :

	s.	d.
Each half hundred weight	0	9
Each quarter of a hundred weight	0	6
Each stone	0	4
Each weight under a stone to a pound inclusive	0	1
Each weight under a pound	0	0½
Each set of weights of a pound and under	0	2

Examining, comparing, and stamping all iron weights, or weights of other metals not made of brass, within their respective jurisdictions :

	s.	d.
Each half hundred weight	0	3
Each quarter of a hundred weight	0	2
Each stone	0	1
Each weight under a stone	0	0½
Each set of weights of a pound and under	0	2

Examining, comparing, and stamping all wooden measures, within their respective jurisdictions :

	s.	d.
Each bushel	0	3
Each half bushel	0	2
Each peck, and all under	0	1
Each yard	0	0½

Examining, comparing, and stamping all measures of capacity of liquids of copper or other metal, within their respective jurisdictions :

	s.	d.
Each five gallon	1	0
Each four gallon	0	9
Each three gallon	0	6
Each two gallon	0	4
Each gallon	0	2
Each half gallon	0	1
Each quart, and under	0	0½

Repeal of Acts, and General Clauses of the 5 Geo. IV. c. 74, and 5 & 6 Will. IV. c. 63 ; Reservation of Rights, &c.

The 5 Geo. IV. c. 74, s. 21, " All the powers, rules, and regulations made, and contained in the several acts hereinafter mentioned, specified, and set forth, for the ascertaining, examining, seizing, breaking, and destroying any weights, balances, or measures, shall be applied and put in force in Great Britain for the ascertaining and examining, and for seizing, breaking, and destroying of any weights or measures not

Regulations and penalties of British acts, viz.

35 Geo. III. c. 102. recited act of the twenty-ninth year; and in an act made in
of Great Britain, in the thirty-fifth year of the reign of
king George the Third, intituled 'An Act for the more
tion of the Use of defective Weights, and of false and un

37 Geo. III. c. 143. and in an act made in the parliament of Great Britain
seventh year of his said late majesty's reign, for explainin
the said recited act of the said thirty-fifth year, and as
act of the said thirty-fifth year is amended by the said
thirty-seventh year; and in an act made in the parliamen

35 Geo. III. c. 43. Kingdom of Great Britain and Ireland, in the fifty-fifth y
of his said late majesty, intituled 'An Act for the more
tion of the Use of false and deficient Measures;' and all t
regulations, provisions, penalties, and forfeitures in the
contained, shall be applied and put in execution as if the
sures ascertained by this act had been specified in the
respectively, and as if all such powers, rules, regulat
penalties, and forfeitures, and modes of recovery therec
and re-enacted in this act, except only so far as the said
any of them, or any part thereof, are expressly repealed c
act, or any other act or acts."

Sect. 22. The regulations and penalties of the Irish ac
(I.); 11 Geo. II. (I.); 25 Geo. II. (I.); 27 Geo. III. (I.);
shall be applied to this act.

So much of former Sect. 23. "The several statutes, ordinances, and acts,
statutes, ordi- several statutes, ordinances, and acts hereinafter mention
nances, or acts, so far as the same relate to the *ascertaining or establishi*
as relate to esta- of weights and measures, or to the *establishing or re*
blishing weights *differences* between weights and measures of the same den
or measures, re- from and after the 1st day of May, 1825, be repealed; th
pealed, viz. tain ancient statutes or ordinances made previous to th
Edward the Third, but being of uncertain date, intituled
names or descriptions following: '*Assisa Panis et Cervis*
size of Bread and Ale;' '*Statutum de Pistoribus, et cete*
concerning Bakers, et cetera;' '*Assisa de Ponderibus*
Weights and Measures;' '*Tractatus de Ponderibus*,' or '*Compositio de Ponderib*
for the Measuring of Land;' '*Compositio Ulnarum et P*
also so much of a statute made in the 14th year of th

Statutes of uncert-
tain date.

14 Edw. III. st.
1 c. 12

lates to the gauging of vessels of wine, honey, oil, and brought into the realm; and also so much of a statute 13 Ric. II. st. 1, 13th year of the reign of king Richard the Second, as relates to the setting of weights and measures, and to the buying and selling of wine, and also so much of a statute made 15 Ric. II. c. 4, 15th year of the reign of king Richard the Second, as relates to the setting of measures of corn, wine, ale, and malt; and also so much of a statute made 16 Ric. II. c. 3, 16th year of the reign of king Richard the Second, as relates to the setting of a clerk of the market, and the assay of weights and measures, and the using such weights and measures; and also so much of a statute made in the 1st year of the reign of king Henry the Third, intituled 'An Act for the true measure of corn, or as is intituled 'An Act for the true Measure of Corn;' and also so much of a statute made 2 Hen. VI. c. 11, 2nd year of the reign of king Henry the Sixth, as relates to the setting of measures of vessels of wine, eels, herrings, and salmon; and also so much of a statute made in the 8th year of the reign of king Henry the Sixth, as relates to the confirming and amending former statutes concerning weights and measures, and requiring common balances and scales in all cities, boroughs, and towns; and also so much of a statute made in the 9th year of the reign of king Henry the Sixth, as relates to the explaining the said statute of the 8th year of king Henry the Sixth, concerning weights and measures, so far as relates to the burthen of the said statute; and also so much of the said statute made in the 10th year of the reign of king Henry the Sixth, as relates to the weight of a wey of wool; and also so much of a statute made in the 11th year of the reign of king Henry the Sixth, as relates to the confirming and amending former statutes concerning weights and measures; and also so much of a statute made in the 18th year of the reign of king Henry the Sixth, as relates to the setting of measures of vessels of wine, oil, and honey; and also so much of a statute made in the 22nd year of king Edward the Fourth, as relates to the setting of measures of salted fish, or as is intituled 'An Act for packing of Barrelled fish;' and also so much of the whole of an act made in the 1st year of the reign of king Henry the Third, intituled 'An Act to ascertain the Contents of Vessels of Wine, Ale, and Oil,' or 'An Act for the Contents of a Butt of Malmsey;' and also so much of an act made in the 7th year of the reign of king Henry the Sixth, intituled 'An Act for Weights and Measures;' and also another act

3. Repeal of Acts and general Clauses.

5 Geo. IV. c. 74.
13 Eliz. c. 11, in part.

23 Eliz. c. 5, in part.

43 Eliz. c. 14.

16 Car. I. c. 19.

12 Car. II. c. 23, in part.

22 Car. II. c. 8.

22 & 23 Car. II. c. 12.

1 W. & M. st. 1, c. 24, in part.

5 & 6 W. & M. c. 7, in part.

7 Will. III. 1.

7 & 8 W. & M. c. 31, in part.

9 & 10 Will. III. c. 6.

10 & 11 Will. III. c. 21, in part.

10 & 11 Will. III. c. 22, in part.

11 & 12 Will. III. c. 15.

1 Anne, st. 1. c. 15.

Id. c. 21, in part.

2 Anne, (1).

5 & 6 Anne, c. 27, in part.

this Realm;' and also so much of an act made in the 13th year of queen Elizabeth, intituled 'An Act for the Maintenance of Navigation,' as relates to the assize of herring barrels; and also of an act made in the 23rd year of the reign of queen Elizabeth, 'An Act touching the true Melting, Making, and Working of relates to the barrel, kilderkin, or firkin of honey; and also the an act made in the 43rd year of queen Elizabeth, intituled 'Concerning the Assize of Fuel;' and also an act made in the 16th year of king Charles the First, intituled 'An Act for the better and regulating of the Office of Clerk of the Market, allowed and by this Statute; and for the Reformation of false Weights and Measures;' and also so much of an act made in the 12th year of the reign of Charles the Second, intituled 'A Grant of certain Impositions upon Beer, Ale, and other Liquors, for the Increase of His Majesty during his Life,' as relates to the contents of the barrel of beer and also an act made in the 22nd year of the reign of king Charles the Second, intituled 'An Act for ascertaining the Measures of Salt;' and also an act made in the parliament holden in the 22nd year of the reign of the said king Charles the Second, intituled 'Additional Act for ascertaining the Measures of Corn and Salt;' and also so much of an act made in the 1st year of the reign of king William and queen Mary, intituled 'An Act for an Additional Duty of Excise upon Beer or Ale, and other Liquors,' as relates to the contents of the barrel of beer and ale; and also so much of an act made in the 5th year of the reign of king William and queen Mary, made, among other things, for granting to their majesties certain rates and duties upon beer, ale, and other liquors, as relates to the measure of salt; and also an act made (in the parliament of Ireland) in the 7th year of the reign of king William the Third, for the better regulating the measures in and throughout that kingdom; and also so much of an act made in the 7th and 8th years of the reign of king William the Third, among other things, for continuing to his majesty certain duties upon glass wares, and earthen wares, as relates to the measure of salt; and also the whole of an act made in the 9th and 10th years of the reign of king William the Third, intituled 'An Act that all Salt shall sell by Weight;' and also so much of an act made in the 10th and 11th years of the reign of king William the Third, made, among other things, for levying further duties upon sweets, and for lessening as well upon vinegar as upon certain low wines, as relates to the measure of a barrel of vinegar, vinegar beer, or liquor preparing for vinegar; and also so much of another act made in the same 10th and 11th years of the said king William the Third, intituled 'An Act for the full and effectual Charging of the Duties upon Rock Salt,' as relates to the weight or measure of rock salt; and also the whole of an act made in the 11th and 12th years of the reign of king William the Third, intituled 'An Act for the ascertaining the Measures for retailing Ale and Beer;' and also an act made in the 1st year of the reign of queen Anne, intituled 'An Act to ascertain the Water Measure of Fruit;' and also so much of an act made in the same 1st year of the reign of queen Anne, intituled 'An Act for preventing Frauds in the Duties upon Salt, and for the better regulating the Debentures at the Custom House,' as relates to the weight or measure of foreign salt and rock salt; and also an act made (in the parliament of Ireland) in the 2nd year of the reign of queen Anne, for amending the defects of the hereinbefore recited act, passed in the 7th year of the reign of king William the Third, intituled 'An Act for continuing several Subsidies, Impositions, and Duties, and for making Provisions therein mentioned, to raise Money by Way of Loan for the Service of the War, and other Her Majesty's necessary and important Occasions, and for ascertaining the Measures of the Gallon, Tun, Butt, Pipe, and other Measures,' as relates to the contents of the gallon, tun, butt, pipe, and other Measures.

the reign of king George the Second, intituled 'An Act for
 Combinations to enhance the Prices, and for avoiding
 Abuses formerly practised in the Sale and Measure of
 as to the dimensions of the half-barrel, bushel, half-bushel,
 sack of coals; and also so much of an act made in the 8th 8 Geo. II. c. 12,
in part.
 of king George the Second, made, among other things,
 and continuing the duties upon salt and upon red and
 , as relates to the computation of the distance in miles
 in and refiners of rock salt; and also an act made (in the 9 Geo. II. (1.).
 Ireland) in the 9th year of the reign of king George the
 d 'An Act for the ascertaining the Gauge and the Measure
 Half-Barrels used by Brewers in selling Beer, Ale, and
 and also so much of the statute made in the 24th year of 24 Geo. II. c. 31,
in part.
 of king George the Second, intituled 'An Act for explaining,
 enforcing an Act passed in the 13th Year of His late Ma-
 intituled 'An Act for the better Regulation of the Linen and
 factures in that Part of Great Britain called Scotland, and
 lating and encouraging the said Manufactures,"' as relates
 of hemp or flax; and also an act made (in the parlia- 26 Geo. III. (1.).
 d) in the 26th year of the reign of his late majesty king
 rd, for preventing frauds in the measurement of lime; and
 of an act made in the 38th year of the reign of his late 38 Geo. III. c. 80,
in part.
 George the Third, intituled 'An Act for transferring the
 f the Salt Duties to the Commissioners of Excise, and for
 Duties on Salt, and the Drawbacks, Allowances, and
 on,' as relates to the weight of a bushel of salt; and also 43 Geo. III. c. 69,
in part.
 act made in the 43rd year of the reign of his late majesty
 e Third, intituled 'An Act to repeal the Duties of Excise
 at Britain, and to grant other Duties in lieu thereof,' as
 quart, gallon, and barrel of beer or ale; and all the said
 or ordinances and acts, and parts of statutes and acts, so
 , or any of them, relate to the ascertaining or establishing
 of weights and measures, or to the establishing or recog-
 differences between weights and measures of the same
 but no further or otherwise, shall from and after the said
 , 1825, be, and the same are hereby repealed; save and Repealed, save so

3. Repeal of Acts and general Clauses.

and seal weights and measures.

4 Anne (I.), and 5 Geo. IV. c. 110, repealed, except so far as relate to duties, &c. of weighmasters.

Powers of ward inquests in London, Southwark, &c., not to be interfered with.

Rights of Founders' Company reserved.

Saving the rights of universities of Oxford and Cambridge.

Not to abridge the power of the leet jury, &c. ;

or the power given

and seal all weights and measures used by persons dealing by weight and measure in the said city of Westminster and the liberties thereof, that all the powers given and reserved to the said dean, high steward, his deputy and burgesses, by the said recited act, shall and may be exercised in the appointing of a proper officer to size and seal all such weights and measures as shall, from the passing of this act, be lawfully used by persons dealing by weight and measure within the said liberties of Westminster, and shall and may be used and exercised by the officer so appointed, in the same manner in all respects as is directed in the said recited act, with relation to the weights and measures therein recited act mentioned." [See the enactments as to weights, &c.

5 & 6 Will. IV. c. 63, sect. 41. "An act passed in the parliament of Great Britain and Ireland in the fourth year of queen Anne, intituled 'An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight,' and another act passed in the parliament of the United Kingdom of Great Britain and Ireland in the fifth year of his late majesty George the Fourth, intituled 'An Act for the Indemnity of Persons in Proceedings against Persons using Unlawful Weights in Ireland,' and they are hereby repealed, except in so far as they relate to the appointment, duties, and remuneration of weighmasters."

Sect. 42. Provided always, "That nothing in this act contained shall interfere with the powers of the ward inquests in respect to weights and measures within the city of London and liberties thereof, and the city of Southwark, nor prohibit, defeat, injure, or lessen the rights of the mayor and commonalty and citizens of the city of London, or the mayor of the said city, for the time being, with respect to the sealing weights and measures, or concerning the office of gaugers of wines, oils, honey, and other gaugeable liquors imported and landed in the city of London and liberties thereof."

Sect. 43. Provided always, "That nothing in this act contained shall extend to prohibit, defeat, injure, or lessen the rights granted to the master, wardens, and commonalty of the mystery of the city of London."

Sect. 44. Provided always, "That nothing in this act contained shall extend to prohibit, defeat, injure, or lessen the rights or powers of either of the universities of Oxford or Cambridge, but that the assize, assay, and overlooking of weights and measures in the city of Oxford and its suburbs, and in the town of Cambridge, shall continue to be as heretofore and be in the chancellor, vice-chancellor, or his deputy, of each of the said universities respectively; and that the chancellor, vice-chancellor, or his deputy, of each of the said universities for the time being, or either of them, shall have the power, and is or are hereby authorized, to require, to appoint in and for the said city and suburbs, for the said town respectively, an inspector or inspectors of weights and measures, and shall have full power and authority to perform all such matters and things as are required or are granted to the peace of any county, city, town, or other jurisdiction in England or Wales, under the provisions of this act, or by any or either of the said recited acts; and every such inspector is hereby authorized and empowered to put in force and execute all such powers and powers as are by this act, or by any or either of the said recited acts required or required of any inspector or inspectors of weights and measures appointed as aforesaid by the justices of the peace in quarter sessions assembled."

Sect. 45. Provided always, "That nothing in this act contained shall extend or be construed to extend to supersede, limit, take away, or prevent the authority which any person or persons, bodies corporate, or any person appointed at any court leet for any manor, or any jury or ward inquest, may have or possess for examining, regulating, scizing, breaking, or destroying any weight or measures within their respective jurisdictions, or the power

loading place adjacent to the same, or in the way to or from house, with intent that the contents of such package or any part thereof may be stolen or dropped from such package, shall be deemed a misdemeanour."

Whipping, Punishment of.

THE 1 Geo. IV. c. 57, s. 1, repeals the 57 Geo. III. c. 75.

Sentence of
whipping not
awarded to fe-
male offenders.

Sect. 2. "From and after the passing of this act, judgment shall in no case whatever be given and awarded against any females convicted of any offence whatsoever, that such female offenders do suffer the punishment of being whipped, publicly or privately; any law, statute, or usage to the contrary notwithstanding."

Instead thereof,
imprisonment or
solitary confine-
ment.

Sect. 3. "In all cases where the punishment of whipping, publicly or privately, on female offenders, has hitherto formed part of the judgment or sentence to be pronounced, or has in any case been inflicted, it shall and may be lawful for the court of the peace before whom any such offender shall be tried or to pass sentence of confinement to hard labour in the common gaol of correction, for any space of time not exceeding six months than one month; or of solitary confinement therein for any time exceeding the space of seven days at any one time, in lieu of the punishment of being publicly or privately whipped, as to the said court or courts may seem most proper: Provided that nothing herein contained shall or be construed to extend, in any manner to change, alter, or repeal any punishment whatsoever, which may now be by law inflicted in any offence, save and except only the punishment of publicly whipping on female offenders in manner as hereinbefore is enacted."

Proviso for
former laws,
except the said
punishment.

Discharging fire-
arms, &c. at the
Queen.

By the 5 & 6 Vict. c. 51, s. 2, *ante*, 306, persons discharging fire-arms, &c. at the Queen, may be punished by whipping, &c.

Widow, Addition of, see "*Indictment*," Vol. I.

Wife.

Committing of-
fences with hus-
band.

A WIFE, or *feme covert*, is so much favoured in respect of her weakness and authority which her husband has over her, that, in general, no offence can be committed by her in company with or in the presence of her husband, unless the presumption of law is, that she acted under his immediate command and she will be excused from punishment. (1 Hawk. c. 1, s. 6; 1 Hale, c. 1, s. 1.) Thus a woman who went from shop to shop uttering counterfeit coin, her husband accompanying her each time to the door, but not in, was holden by Bayley, J., to be under her husband's coercion. (*Durham Spring Ass.* 1829; *Matthew's Dig.* 262.)

In heinous crimes
no presumption
of coercion al-
lowed.

But if she commit a crime of her own voluntary act, or be under the command of her husband in his absence, or be guilty of treason, murder, or robbery, or any other crime, *mala in se*, and prohibited by

tenderness to the wife, if a felony be committed in the husband, raises a presumption *primâ facie*, and *primâ facie* is laid down by Lord Hale, (1 Hale, 516,) that it was done on; but it is absolutely necessary that the husband should actually present, and taking a part in the transaction. by the act of the wife. It is, indeed, in consequence of a previously with the husband, that the witness applies to he is ready to deal, and has on her person the articles, ers to the witness. There was a putting off before the and it was sufficient if, before that time, she did that wary to complete the crime. The coercion must be at act done, and then the law, out of tenderness, refers it the coercion of the husband. But when the crime has in his absence, no subsequent act of his (although it make him an accessory to the felony of the wife) can be was done in his absence." (Sed vide R. v. Price, 8 C. & Uttering coin. roman was acquitted by the common serjeant after con- et and Coltman, J.J., where she was indicted with her isdemour in uttering counterfeit coin.) ion of the husband is only a *presumption* till the contrary Coercion of hus- upon the evidence, it can clearly appear that the wife was band a mere pre- by the husband, but that she was the principal actor and sumption of law. seems to be guilty as well as the husband. (1 Hale,

ceive stolen goods into her house, knowing them so to Receiving stolen up in her chest or chamber, her husband not knowing goods.

thereof; if her husband, so soon as he knoweth thereof, do forsake his house and her company, and make his abode elsewhere, shall not be charged for her offence; whereas otherwise the law puts the fault to him, and not to her. (*Dalt. c. 157.*)

But where husband and wife were convicted jointly of receiving goods, it was holden that the conviction of the wife could not be reported, though she had been more active than her husband, but had not been left to the jury to say whether she received the goods in the absence of her husband. (*R. v. Archer, R. & M. 143.*)

Perjury.

A married woman, who swore falsely that she was next of kin to a person dying intestate, and so procured administration to the estate, was held responsible for the offence, though her husband was with her when she took the oath. (*R. v. Dicks, 1 Russ. 16.*)

Threatening letter.

So, where a husband delivered a threatening letter ignorant of the wife, she alone was held to be punishable. (*R. v. Leach, 447.*)

Keeping a bawdy house.

A wife may be indicted together with her husband and punished for keeping a bawdy-house; for this is an offence as to the management of the house, in which the wife has a principal share; and it is an offence as may generally be presumed to be managed by the wife of her sex. (*1 Haw. c. 1, s. 12.*)

Keeping a gaming-house.

So, she may be indicted for keeping a gaming-house. (*R. v. Mod. 335. See "Disorderly-House," Vol. II.*)

An assault.

So, for an assault. (*R. v. Cruise, 2 Moody, C. C. 53; P. C. S. C.*)

Penal statute.

And generally a married woman shall answer as much as a single woman for an offence, not capital, against the common law or statute, if it be of such a nature that it may be committed by her alone or with the concurrence of her husband, she may be punished for it, with her husband, by way of indictment; which being a proceeding merely on the breach of the law, the husband shall not be in default for an offence to which he is no way privy. But if a wife is in default for a forfeiture of a penal statute, the husband may be made a party to the indictment or information for the same, (as he may generally be to any suit of action given by his wife,) and shall be liable to answer when recovered thereupon. (*1 Haw. c. 1, s. 13.*)

Wife pledging.

In the case of the *Attorney General v. Riddle*, (2 *Crom. & J. 171*.) a wife, who was proved to have authority from her husband to do certain acts in his trade, pledged paper with a wrapper, label, or departure stamp on it; the chief baron was at the trial that the husband was not liable for this act of his wife, and the court, upon motion, held that the authority of the wife was a defence to the jury.

Forcible entry.

A married woman by her own act (but not in respect to what is done by others at her command, because all such commands of hers may be committed by others) may commit a forcible entry or detainer; and upon the judgment of the court, she shall be imprisoned therefore, and she may be fined; but such fine, set upon the wife, shall not be levied upon the husband; for the husband shall never be charged for the act or default of his wife but when he is made a party to the action, and judgment is given against him and his wife. (*Dalt. c. 126; Hussey's case, 11 Rep. 61.*)

Riot or trespass.

Likewise, if she shall commit any riot, or do any trespass or wrong, she is punishable for it; and for trespass done by her, if a scandal is published by her, the action lieth against both the husband and wife, and there the husband is chargeable to the damages or fine if he is party to the action and judgment. But if a wife, without the husband, be indicted of a trespass, riot, or any other wrong, she shall answer and be party to the judgment only; and in such case, if a fine is set upon the wife, it shall not be levied upon the husband; and in case of the husband's death, such damages or fines shall then be levied

though she may be privy to his conduct. *Charles Squire*, his wife, were indicted for the murder of a boy, who was a British apprentice to the prisoner *Charles*; and it appeared in evidence that both the prisoners had used the apprentice in a most cruel manner, and that the wife had occasionally committed the same in the absence of the husband. But the surgeon who opened the body, that in his judgment the boy died from debility and want of food and nourishment, and not from the wounds, &c. which he received.

She not answerable for her husband's breach of duty.

Upon which, *Lawrence, J.*, directed the jury, that as the wife was the servant of the husband, it was not her duty to provide the apprentice with sufficient food and nourishment, and that she was not guilty of a breach of duty in neglecting to do so; though, if the husband had not provided her sufficient food for the apprentice, and she had not sold it from him, then she would have been guilty. But the fact was otherwise; and, therefore, though in *foro confessorio* she was equally guilty with her husband, yet, in point of law, she could not be said to be guilty of not providing the apprentice with sufficient food and nourishment. (*R. v. Squire and wife, Stafford* 1799, 1 *Russ.* 16.)

If a woman, indicted jointly with her husband, be described in the indictment as his wife, she need not prove her marriage, but will be acquitted, if it appear that she acted under his coercion: but if the description will be no ground for dismissing the indictment as defective, if the indictment is joint and several, according to the facts which appear. (1 *Hale*, 46.) If she be described as a single woman, she must prove her marriage; (*R. v. Jones, Kel.* 37;) and such proof must be given as will satisfy the jury of her marriage, although it is not absolutely necessary that the actual marriage should be proved.

Description of indictment.

Proof of marriage.

289.) There are, however, several exceptions to this rule. See further, "*Evidence*," Vol. II.

So, in conspiracy, the wife of one of the defendants is not allowed to give evidence against any of the others, as to any part of the conspiracy, which goes to show that her husband and the prisoner conspired in the felony for which the prisoner is tried. (*R. v. Sergeant*, R. & M. N. P. 352.) So, a married woman cannot be called to prove a conversation between the prisoner and her husband, which goes to show that her husband and the prisoner conspired in the felony for which the prisoner is tried. (*R. v. Glover*, 10 Mod. Dig. 849.) But the wife of a person already convicted for the same offence is a competent witness against the prisoner. (*Reg. v. M. M. M.*, 10 Mod. Dig. 849.)

Surety for the
peace against
husband.

But a wife may demand surety of the peace against her husband, if he is threatening to beat her outrageously; and a husband also against his wife. (1 *Haw. c.* 60, s. 4.)

And in other criminal cases, the wife may be a witness against her husband, where she is the party grieved; but not in civil cases. (*c.* 164.)

(*R. v. Earl Ferrers*, 1 Burr. 631.) An *habeas corpus* was granted to Laurence Earl Ferrers to bring up the body of his wife, so that she might receive the protection of the court against the husband, who had sworn the peace against him if she should think proper. Upon obeying the writ of *habeas corpus*, an attachment was granted against him. Upon which, he permitted her to come into court, and to give evidence against him. And the earl was obliged to enter into recognizance accordingly, himself in 5000*l.*, and two sureties in 2500*l.* each.

And a recognizance to the same effect has been entered in the High Court of the realm, within a recent date. (See further, "*Sureties*," Vol. V.)

Defending each
other.

A husband may justify a battery in defence of his wife, if she is being abused in defence of her husband. (2 *Rol. Ab.* 546, D.; 1 *Hawk.* 24.)

Woman servant

If a woman, who is a servant, shall marry, yet she must

and (under a large pe-
son she should live ;
; desire ; and that the
f -aining her by force,
to be a formal renun-
her, or force her back
pt of the husband to
f the peace. They also
molest her in her pre-
tempt of the court ;
y to go where and to

but her sureties only. Cannot be bound
by recognisance.

dictable offence. (R. v. Selling a wife.
against husbands for
sustained, and impri-
s, 27 July, 1818. See

urish, is an act of va- Vagrant.

t of the marriage, see Right of wife to
have children.

upon their oath present, Indictment for
y of , labourer, on publicly exposing
gn of our lady the queen to sale and selling
nd arms, did indecently, a wife.
lly, in and near certain
presence and hearing of
by the Queen there then
for lucre and gain, one
l A. B., and all his, the
C. D., to any person or
and in order that such
id have unlawful carnal
unlawfully, publicly, and
and of the said E. F.,
rchase and take the said
e sell and dispose of the

And, upon the oath present, of and concerning the
D., to the said E. F., for a certain sum of money, to wit, the sum of
[], for the unlawful purpose aforesaid ; and then and there, in pursuance
sale, unlawfully, publicly, and in the presence and view of the said liege
s, deliver the said C. D. into the hands and possession of the said E. F.,
he intent that the said E. F. might unlawfully cohabit with and have
knowledge of the said C. D., and that the said E. F. might commit
y with the said C. D., to the great scandal and subversion of the holy
f matrimony and religion, and decency, morality, and good order, to the
corruption of the morals and manners of her majesty's liege subjects, to
and damage of the said C. D., and in contempt of our said lady the Queen
r laws, and to the great damage and common nuisance of all the liege
ts of our said lady the Queen then and there residing, inhabiting, being,
uning, to the evil example of all others, and against the peace of our said
the Queen, her crown and dignity. And the jurors aforesaid, on their oath
aid, do further present, that the said A. B., on , at aforesaid,
uing and intending to bring into contempt the holy state of matrimony
the duties enjoined thereby, and to vitiate and corrupt the morals of her
ty's liege subjects, with force and arms, did indecently, immorally, un-
lly, wickedly, and wilfully, publicly, in the presence, view, and hearing of
said E. F., and of divers other liege subjects of our said lady the Queen
then being, expose to sale and offer to sale to the said E. F., for lucre and
the said C. D., then and there being the lawful wife of the said A. B., for
purpose and in order that the said E. F. might unlawfully cohabit with and

Second count.

Third count.

Fourth count.

Fifth count.

Sixth count.

have unlawful carnal knowledge of the said C. D.; and did then and lawfully and publicly, in the presence and hearing of the said liege subjects of the said E. F., sell to the said E. F., for a certain sum of money, a sum of [2s. 6d.], for the unlawful purpose aforesaid, and did then in pursuance of the said last-mentioned sale, unlawfully, publicly, and in the presence of the said liege subjects, deliver the said C. D. unto the said E. F. with intent that the said E. F. might unlawfully cohabit with and have carnal knowledge of the said C. D., to the great, &c. [Concluded count, from*]. And the jurors, &c., present, that the said A. B. &c., aforesaid, did indecently, immorally, unlawfully, wickedly, and wilfully, publicly, in the presence, view, and hearing of divers liege subjects of our said lady the Queen then and there being, expose and offer to sell and deliver for money, to be therefore paid to him, the said A. B. &c., the said C. D., then and there being his lawful wife, to any person, for the purpose of fornication, and in order that the said C. D. might commit adultery with any person; and did then and there publicly and in the presence, view, and hearing of the said liege subjects, dispose of and deliver the said C. D. to the said E. F. for a certain other sum of money, to wit, the sum of other [2s. 6d.], for the purpose last aforesaid, in contempt of our said lady the Queen and her laws, to the damage and common nuisance of all the liege subjects of our said lady the Queen, to the evil example of all others, and against the peace of our said lady the Queen, her crown and dignity. 4th count.—Stating generally, that the said C. D. was then and there unlawfully and publicly exposed to sale, &c., and did unlawfully sell the said C. D. to a certain other person to the jurors aforesaid known, for a certain other sum of money, &c. 5th count.—Stating that the said C. D. was then and there unlawfully and publicly exposed to sale, &c., and did unlawfully sell the said C. D. to a certain other person to the jurors aforesaid known, for a certain other sum of money, &c. 6th count.—Stating that the said C. D. was then and there unlawfully and publicly exposed to sale, &c., and did unlawfully sell the said C. D. to a certain other person to the jurors aforesaid known, for a certain other sum of money, &c. 6th count.—Stating generally an exposing to sale.

Wills, As to Stealing and Destroying of, see "*Larceny*," Vol. II.—As to Forgery of, see "*Forgery*," Vol. II.—As to Evidence of, see "*Evidence*," Vol. II.

Windows, Duty on. See ante, "*Taxes (Assessments)*," Vol. II.

Wine. See "*Excise*," Vol. II.

Witchcraft.

Prosecution for witchcraft abolished.

Pretending to witchcraft.

BY the 9 Geo. II. c. 5, s. 3, it is enacted, "That no prosecution shall be commenced or carried on against any persons for witchcraft, sorcery, enchantment, or conjuration, or for pretending to any such offence, in any court whatsoever in Great Britain."

Sect. 4. "And for the more effectual preventing and punishing of such arts or powers as are before mentioned, where persons are frequently deluded and defrauded," it is further

NING women, considered as wives, or *femes couvertes*, see *de*, p. 426.

ng women having two husbands, or men two wives, see *de*, Vol. V.

ng the ravishment of women, see "*Rape*," Vol. V.

ng the abduction of women, see "*Abduction*," Vol. I.

ng abortion, see "*Abortion*," Vol. I.

ng the carnal knowledge of children, see "*Children*," Vol. I.

ng the employment of, in mines, and collieries, see the 5 & 6 *tit. "Mines*," Vol. V.

t Hen. VI. c. 9, if any person take by force or otherwise, any *Forcing her to*
e, having any substance of lands, tenements, or moveable *become bound.*
enforce her, before she be set at liberty, to bind herself to him
r obligation, such bond shall be void.

Geo. IV. c. 76, s. 27, no suit shall be had in any ecclesiastical *Marriage act.*
der to compel a celebration of marriage *in facie ecclesiæ*, by
ny contract of matrimony whatsoever, whether *per verba de*
per verba de futuro. (See Vol. V., *tit. "Marriage."*)

0 Hen. VI. c. 9, peeresses shall be tried as peers for treason or *Peeresses how to*
e "*Peers*," Vol. V.) *be tried.*

gment against a woman, in case of high treason, was not the *Judgment in trea-*
ainst a man-traitor, to be hanged, cut down alive, have the *son and felony.*
m out, and the body quartered; but it was to be drawn to the
ecution, and there burned.

, also, was the judgment against a woman in case of petit trea-
ne the judgment against a man, for petit treason, is that he
ged.

r the punishment of burning women is abolished by the 30 *Punishment for*
. 48, the first section of which enacts that women, convicted of *high or petit*
treason.

high treason or petit treason, shall not be burned, but shall be the place of execution, and be there hanged.

In case of felony, the judgment is the same against both woman, to be hanged by the neck till dead. (2 *Haw. c. 48, s.*

Plea of pregnancy.

It is clear, that if a woman quick with child be condemned treason or felony, she may allege her being with child in order to execution respited, and thereupon the sheriff shall be commanded to take her into a private room, and to impanel a jury of matrons, to examine whether she be quick with child or not; and, if she be quick with child, the execution shall be respited till her delivery. It is agreed that a woman cannot demand such respite of execution on reason of her being quick with child, more than once. (2 *Haw.*

Whipping of women.

By the 1 Geo. IV. c. 57, the punishment of whipping of women is abolished. (See "*Whipping*," *ante*.)

Attending the torn and lect.

Women are not obliged to appear at the torn or lect. (2 *s. 11.*)

Serving parish offices.

Mr. *Hawkins* seems to be of opinion that a custom of the parish of serving the office of constable by turns is good; and that when it comes to the turn of a woman inhabitant, she must procure one to serve for her. (2 *Haw. c. 10, s. 37.*)

And she may be appointed an overseer of the poor. (*R. v. T. R. 395; R. v. Clapp, 4 T. R. 110; R. v. Cook, 521. Vol. IV.*)

Wood.

CONCERNING the maliciously destroying wood, fences, &c., see "*Malicious Injuries to Property*," Vol. V.

Concerning the stealing of wood, fences, &c., see "*Larceny*," Vol. III.

Alice Holt forest.

As to the duties of customs on wood, &c., see "*Excise*," Vol. IV. By the 52 Geo. III. c. 72, the Queen is allowed to inclose 1600 acres of land in the forest of Alice Holt, in the county of Hampshire.

Damaging trees in forest of.

Sect. 6. "And, for the better preservation of the trees, woods, heritors, and standils growing, or which may hereafter be and nourished to grow or be growing in or upon any part of the said forest, and for the better inclosures so to be made in pursuance of this act, as well as for the better preservation of the same, be it further enacted, that all persons who shall, from and after the passing of this act, unlawfully cut down, split, bark, peel, damage, deface, destroy, or carry away any tree or other tree, woods, or covert, green stick, or any heritor within the said forest as aforesaid, shall be subject and liable to the pains, penalties, and punishments, as are provided by the statutes of this realm to be given, imposed, or inflicted upon persons committing the like offence or offences in the lands, woods, or coppices, being inclosed, and the private property of his majesty's subjects."

Breaking down inclosures in.

Sect. 7. "That every person who shall wilfully destroy, or shall break down any fence or inclosure, or any part thereof, for the protection of any nursery of wood and timber as aforesaid, shall for the first offence forfeit the sum of 10*l.*; and for the second offence the sum of 20*l.*; and for the third offence shall be deemed felony, and may be transported to any part beyond the seas for the term of seven years, or be subject to such other punishment as the court shall think fit."

such manner, and upon such conditions, as shall be agreed respectively."

Geo. II. c. 41, this word owners shall extend to tenants for term of years : Provided, that nothing done by such tenants shall have effect or continuance after determination of state.

Geo. II. c. 36, s. 5, all bodies politic or corporate, whether sole, feoffees in trust, executors, administrators, guardians, or other trustees whatsoever, and the husbands of femmes agree to such inclosure, and such their agreement shall be

And in case the owner of such wastes, woods, or pastures, and part in number and value of the owners and occupiers of such shall jointly agree to assign their right for the purpose aforesaid to any other person, such owner shall not have an estate in fee-simple, nor shall be restrained from alienating ; the recompense to be made to the owner shall be either by a grant of a share of the profit from such timber or underwood, or by a grant of other lands, or of a rent-charge issuing out of the ground so inclosed, or out of any other lands : such equivalent to be held and enjoyed by the owner of such wastes, woods, and pastures, and such as shall be entitled to the reversion, remainder, or succession, in like manner as the said wastes, woods, or pastures is limited to be held and

the 29 Geo. II. c. 36, s. 2, and 31 Geo. II. c. 41, where any person shall be agreed to be given for such inclosure to or to the said owners and occupiers of such tenements, it shall be made

meeting to be held for that purpose, public notice thereof being first given on three Sundays before) pay the recompense, and the charges of inclosing and preserving such a the poor rate; and shall apply the profit from the sale of underwood towards the relief of the poor. *Note.* Here is for the charges of planting.

Sect. 3. And the agreement for such inclosure shall be signed by the parties, and, within three months after thereof, be inrolled by the clerk of the peace where the such wastes, woods, or pastures shall lie.

And by the 10 Geo. III. c. 42, further time is given for provided the same shall have been made on or before 1770. And inclosures made before the passing of this act c. 42, though not strictly according to the directions of the acts, are enacted to be good and valid.

By the 29 Geo. II. c. 36, s. 4, persons aggrieved by a may, within six months after the inrolment, appeal to the determination shall be final. And if no such appeal shall agreement shall be for ever binding.

Woollen Manufacture.

As to Servants in the Woollen Manufactures, *see* Vol. V.

HEREIN concerning—

I. *The Winding of Wool*, p. 437.

[8 Hen. VI. c. 22; 23 Hen. VIII. c. 17.]

II. *The Exportation, &c., of Live Sheep and Wo*

the 50 Geo. III. c. 63 repeals the 1 Rich. III. c. 8, 5 Hen. VIII. c. 13, and the 33 Hen. VIII. c. 19.]

I. The Winding of Wool.

the 8 Hen. VI. c. 22, no man shall make any inwindings within
ce, at the rolling up of his wool; nor put in the same, locks, Deceitful wind-
ing.
sol, tar, stones, sand, earth, grass, nor any dirt; and, if he do,
y grieved may bring his action at common law of trespass and

the 23 Hen. VIII. c. 17, no person shall wind any fleece not suffi- Winding wool
not washed.
washed, except in counties where they do not use to wash sheep;
ll wind with any fleece, clay, lead, stones, sand, tails, deceitful
ot, cals, comber, lambs' wool, or any other thing whereby the
ay be the more weighty, to the deceit and loss of the buyer (ex-
ere fleeces are sold by number, and not by weight): on pain that
er shall forfeit 6d. a fleece, half to the king, and half to him that
re.

6 Geo. IV. c. 105, s. 185, repeals the 28 Geo. III. c. 38.

2. *The Exportation of Live Sheep and Wool.*

Acts prohibiting exportation of wool, &c., repealed.

II. The Exportation of Live Sheep and Wool.

By the 5 Geo. IV. c. 47, s. 2, from December 10, 1824, all acts parts of acts of the parliaments of Great Britain and Ireland respectively and of the parliament of the United Kingdom of Great Britain and Ireland, whereby the exportation from any part of the United Kingdom from the islands of Guernsey, Jersey, Alderney, Sark, or Man, to foreign parts, or the carrying coastwise of sheep or lambs' wool, or any manufacture thereof, or of sheep or lambs alive, or of hare or coney or of hare or coney skins, is prohibited or restrained, or whereby packing, marking, or moving of wool, or of any manufactures therein within any part of the United Kingdom, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, is in any way regulated, shall be repealed.

The 6 Geo. IV. c. 105 repeals the 5 Geo. IV. c. 47.

The duties now payable are regulated by the 3 & 4 Will. IV. c. 56 5 & 6 Vict. c. 47. (See "*Excise*," Vol. II.)

III. Cards for the Manufacturing of Wool.

Laws for manufacturing wool.

By the 6 Geo. IV. c. 105, s. 21, the 13 & 14 Car. II. c. 19, is repealed. By the 26 Geo. III. c. 76, so much of the 14 Geo. III. c. 71, as Geo. III. c. 37, as prohibited the exportation of wool-cards, or cards not exceeding in value 4s. per pair, and spinners' cards not exceeding 1s. 6d. per pair, used in the woollen manufacture, is repealed.

IV. The Deceitful Working of Woollen Cloth.

Collecting or carrying ends of yarn, &c.

By the 49 Geo. III. c. 109, ss. 1, 2, the 43 Eliz. c. 10, 21 Jac. I. and 13 Geo. I. c. 23, ss. 3, 4, 6, relating to this head, are repealed.

The 3 & 4 Will. IV. c. 28, repeals the 13 Geo. I. c. 23.

The 5 Geo. IV. c. 83, s. 1, *ante*, "*Vagrant*," p. 316, repeals Anne, st. 2, c. 23; and sect. 5 inflicts the punishment.

In *R. v. Terrett*, (2 T. R. 735,) it was held, that where proceedings were had before justices, partly under the 13 Geo. I. c. 23, which contained a clause taking away a *certiorari*, and partly under the 17 Geo. I. c. 1, which had no such clause, those proceedings which were had under the former act could not be removed, but that those which were had under the latter act might. It is to be noticed, this decision took place before the repeal of the 17 Geo. II. c. 5, by the 5 Geo. IV. c. 83, s. 1. (See "*certiorari*," Vol. I.)

V. The Fulling of Cloth.

Taysels to be used, and not cards.

By the 4 Edw. IV. c. 1, s. 6, every fuller, in his craft and occupation fulling, rowing, or tayselling of cloth, shall use taysels, and no cards, so as not to deceitfully impairing the said cloth, on pain to yield to the party grieved his double damage; and every justice of the peace, mayor, master, warden, bailiff, portreeve, constable of hundred, and steward of leet, in the respective liberties, may hear and determine the same, and commit the offender to the next gaol till payment. And also any person not grieved may make information to any such justice, mayor, master, warden, portreeve, or steward, in which case the offender shall forfeit to the

3 Geo. III. c. 15, (repealing the 13 Geo. I. c. 24,) if any person dye any woollen goods for mather blacks, not being first dyed with woad and indigo, he shall forfeit for every piece of long sars, containing seventy yards or upwards, 5*l.*; of Colchester short bays, containing thirty-five yards or upwards, 50*s.*; for all of other woollen goods, 6*d.* a yard.

any person shall dye any woollen cloth for woaded black, the being woaded throughout, he shall forfeit 2*s.* a yard.

. And all woollen goods truly mathered black shall be marked with a blue rose and a blue rose; and when truly woaded black, shall be marked with a blue rose only; and if any person shall counterfeit or forge, &c., any of the said marks, or shall dye, stain, imprint, or affix any mark to or upon any such woollen cloths falsely and deceitfully or for mathered or woaded blacks, he shall forfeit 4*l.* for every such woollen goods upon which such mark shall be so stained,

4. If any person shall use any logwood or logwood liquor in dyeing woollen goods blue, he shall forfeit 20*l.* for each piece.

Using logwood in dyeing blue.

5, 6, 7, 8, and 9, relate to the appointment of searchers in London and places within ten miles of London. And, by sects. 10, 11, elsewhere justices in sessions shall appoint searchers, who shall have like powers as searchers within the said limits, who shall take the following

Searchers appointed and sworn.

sworn that I will faithfully, impartially, and honestly execute and discharge the trust reposed in me as a searcher, by virtue of an act of parliament

public warehouses and other public places, where any cloth for exportation, shall be deposited; and every such searcher, at reasonable times, in the day-time, enter into any such warehouse, and examine all or any woollen goods dyed black or blue, and unpacked, and also cut and take away a pattern or sample of every such piece of woollen goods, as he shall think fit for the purpose of trying and proving the same, such searcher shall be assisted by a constable or other peace officer, of the parish in which such shop, &c., shall be; and every such constable or other peace officer shall aid or assist such searcher in the execution of this act, and no action shall be made to him for that purpose.

Penalties, how to be recovered and applied.

Sect. 14. Prosecutions for offences against this act shall be commenced within forty days. By sect. 13, the penalties and forfeitures, shall be recovered in the courts at Westminster; the penalties, shall be recovered before one justice; which justice shall try the offence by confession or oath of one witness, levy the penalties by distress and sale; if sufficient distress cannot be found, and the penalties be not immediately paid, the offender shall be committed to the house of correction, there to be kept to hard labour not more than six months. The said penalties, if in London, or within the limits of the county of Middlesex, shall go half to the informer, and half in such manner as the justices attending any meeting to be holden for the appointment of such limits shall appoint; and the whole of all other forfeitures recovered by virtue of this act, shall go to the prosecutor.

Appeal.

Sect. 14. If any person is aggrieved by the order of an appeal to the next general quarter sessions, giving reasonable notice of such appeal to the prosecutor; the decision of the sessions to be final; the justices there to allow reasonable costs of the party, to be levied and paid in such manner as is usual in appeals from orders of justices to the general quarter sessions.

VIII. The Stealing of Cloth.

r the space of three months, without bail or mainprize, or
 , or they pay the same; and if such person or persons shall
 t the said offence, and be thereof convicted as before, then
 rry of them, so offending the second time, and being thereof
 , shall, over and above the forfeiture of treble the value of the
 n goods, woollen yarn, or wool, so found to be recovered and
 resaid, be committed to the common gaol as aforesaid, there
 r the space of six months, without bail or mainprize; and if
 or persons shall again commit the said offence, and be thereof
 before, the justice or justices of the peace before whom such
 rsons shall be so convicted as aforesaid, shall forthwith issue
 warrant to commit the said offender or offenders to the com-
 aforesaid, there to remain till the next assizes, or great ses-
 the said offender or offenders shall be tried for the said
 l in case such offender or offenders shall not, by producing
 parties of whom he, she, or they acquired the property or
 f such cloth, woollen goods, woollen yarn, or wool, or other-
 o the satisfaction of the jury, that he, she, or they lawfully
 property or possession of the same, he, she, or they shall be
 be guilty of felony, and suffer transportation for the space of
 and shall be liable to the same punishment, and to the like
 prosecution, trial, and conviction, for returning from such
 n, as other felons transported are liable unto by virtue of the
 force."

Second offence
 six months' im-
 prisonment.

Transportation
 for seven years for
 third offence.

Provided, that if any person or persons so suspected and ap- Appeal to ses-
 s aforesaid, shall find him, her, or themselves aggrieved by sions.

8. *The Stealing of Cloth.*

15 Geo. II. c. 27.

any judgment or determination, which shall be given or made by any justice or justices of the peace, by virtue of this act, it shall be lawful to and for such person or persons so aggrieved (unless they have twice before been convicted of the same offence), to apply to the justices of the peace in their general quarter sessions, or to any one of them, who shall happen to be held next after such judgment or determination made, who are hereby authorized and empowered to give such order, or determination, as to them shall seem meet; and such order, or determination, as shall be by them made upon the premises, shall be final, to all intents and purposes whatsoever."

IX. *The Dressing of Cloth.*

Dressing of cloth.

The 3 Hen. VII. c. 11, enacting, that no woollen cloth shall be till it be barbed, rowed, and shorn, on pain of forfeiting the same to the king, and half to him that will sue, is repealed by the 3 Geo. II. c. 4.

X. *Mixed or Medley Broad Cloth in particular; in Gloucestershire, Wiltshire, and Somersetshire.*

Repeal of acts.

The 49 Geo. III. c. 109, repeals the 13 Rich. II. st. 1, c. 1; 1 Edw. VI. c. 6; 2 & 3 P. & M. c. 11 & 12; 4 & 5 P. & M. c. 10; 4 Jac. I. c. 2; 21 Jac. I. c. 18; 10 Anne, c. 16; 1 Geo. I. c. 15; 13 Geo. I. c. 23, ss. 10, 14; and 5 Geo. III. c. 51, s. 1; the 5 Eliz. c. 4, s. 31, so far as relates to apprentices.

As to apprentices to woollen manufacturers, see *post*, p. 44

XI. *The Yorkshire Manufacture in particular.*

Narrow woollen cloth.

By the 11 Geo. II. c. 28, ss. 3, 4, the justices at the Easter sessions yearly, for the West Riding of the county of York, shall appoint such as have served apprenticeships to the trade of making narrow cloth, or have exercised such trade three years, and appoint them as searchers, who shall be sworn before a justice well and truly to execute the duty of searching such narrow woollen cloth. And in case of the death, sickness, or other disability of a searcher, one justice living near him shall appoint another till the next sessions, to be there confirmed, or another searcher.

Sect. 13. Which said cloth may be made of what length the maker shall think fit.

Sects. 1 and 2. He shall weave or set in the head of every row of narrow woollen cloth the first letters of his name, on pain, on conviction, of forfeiting 20s.

Sect. 1. The same shall be measured when wet at the mill, by the millman and the searcher, who shall measure it down the mill, for the length, and within the lists for the breadth.

The millman shall rivet at one end a seal of lead, to be furnished by the clothier, and shall stamp his own name thereon at length, and breadth in figures: the searcher shall also affix a seal of lead at the other end with his name, with the length and breadth in like manner.

Sects. 1 and 2. And they both shall keep books, wherein they shall enter the day and year when milled, the name and place of the owner, and the length and breadth; and shall suffer themselves to be inspected the same.

Sects. 2 and 11. The miller or searcher offending herein, shall be liable to conviction in eight days after the cloth is removed from the mill,

Persons aggrieved by any order or warrant, upon any conviction Appeal
justice or justices, may appeal to the next quarter sessions, to
fourteen days from the conviction, giving ten days' notice to

And the justices there may, on confirming or disannulling
proceedings of the justice or justices, award costs.

Geo. III. c. 51 (which extends to all woollen cloth made in the
riding, except such narrows as are provided for by the afore-
Geo. II. c. 28), and by the 6 Geo. III. c. 23 (which extends
woollen cloths, except as before excepted, and except such
as are made for blanketing, and striped duffeled blankets),
as follows:—

Geo. III. c. 51, s. 2; 6 Geo. III. c. 23, ss. 1, 18, the justices Searchers.
West Riding (not being dealers in woollen cloth, nor occupiers
g-mill), shall, at the Bradford Midsummer sessions, yearly
any men as they shall think proper (having been brought up
facture of woollen cloth in the said riding, and under sixty
, to be *searchers* and measurers of cloth at the fulling-mills,
on salaries.

ie 5 Geo. III. c. 51, s. 7, they shall also appoint *inspectors* Inspectors.
ag twelve in number) of broad woollen cloths, and of the
enter grounds, and warehouses; with salaries not less than

supervisors (not exceeding four in number) of the conduct and Supervisors.
th of the searchers and inspectors; with salaries, not less than
and 10*l.* more, if their duty require them to keep a horse.

And by the 5 Geo. III. c. 51, s. 10, if any of the said officers or be displaced, or become incapable, by sickness or other accident, within the year, one justice near the place may appoint another to his sessions, to be there confirmed, or another put in his place, in case of sickness or incapacity.

Sect. 18. The maker of cloth shall weave or sew into the piece by him made, his name and place of abode, either in letters or words, or in some common or known abbreviations. 6 Geo. III. c. 51, s. 13.

Sect. 19. At the fulling-mill for every yard of cloth exceeding fifty yards, whether in one cloth or two short cloths or ends, milled in one stock at one time, the owner shall pay to the miller a penny for every yard above fifty-eight, over and above the miller's charge for milling a stockful of fifty-eight yards.

Disputes between clothiers and millers.

Sect. 20. And all disputes between clothiers and millers, as to wages for fulling, milling, or scouring, shall, if such miller or clothier in the matter in dispute do not exceed 40s., be determined by arbitration (not being a trader or dealer in woollen manufacture, farmer or owner of a fulling-mill), who may, on complaint of the parties, adjudge and give costs not exceeding 10s., and levy the same by distress, to be paid in ten days.

Searchers may measure cloths, &c.

Sect. 3. The searchers shall, at the fulling-mills, measure every cloth, ends, or half-ends there milled, within six, and not sooner than six days after the same shall have been streamed or washed, in the stream; and if the same shall not be streamed or washed, within four hours after they come out of the stock.

Sect. 3. Such searcher shall, on one end of every such cloth, be carried from the mill, affix and rivet a seal of lead to be stamped by the maker, and stamp in words and figures upon every such cloth, his name, and the name of the mill where he is stationed; and he shall certify the residue of the seal the length and breadth of such cloth, together with the number of each of such cloths milled at such mill successively, in a book, at No. 1, at the 25th of March yearly, and so continuing from year to year, until the 25th of March next following. 6 Geo. III. c. 23, s. 2.

Sect. 3. And shall enter in a book, to be provided by the

or fraudulent account, shall, for the first offence, forfeit 20s.; for the second offence he shall forfeit his office.

If the maker shall take away his cloth before it is measured and within the times before mentioned; or before the money be paid for the same; or shall take away his cloth after nine o'clock in the evening, or before five in the morning, unless the same be measured and paid; he shall forfeit 20s.

11. The Yorkshire Manufacture in particular.

5 Geo. III. c. 51.

the 6 Geo. III. c. 23, ss. 7, 8, if any inspector hath reason to suspect any cloth shall be in the possession of any merchant, buyer, or cloth-worker, which hath not been truly stamped at the fulling-mill, may give notice thereof to such person; describing the cloth by its name or seal; which said person shall give two hours' notice to the inspector of the time when he intends to put the said cloth into the water, so that he may attend the wetting and measuring thereof; if such person shall put the same into water without such notice to the inspector, he shall forfeit 20s. And if any supervisor or inspector shall refuse or neglect to attend for measuring and stamping any cloth of cloth as aforesaid, for two hours after notice given to him, he shall forfeit 20s.

5 Geo. III. c. 51, s. 6, the maker of cloth called broad cloth, when it is brought from the mill, and before it is put upon the tenter, shall mark the same, and affix and rivet a seal of lead upon the other end, and thereon the length and breadth.

2. The owner of every tenter shall measure the said tenter, and figure the true length of yards, (at thirty-seven inches to the plying at number one, and marking every yard distinctly on the bar on the fore-side, on pain of 5l.

6 Geo. III. c. 23, s. 15, if any person shall stretch any cloth more than one yard (consisting of thirty-seven inches) in every twenty in the length, or more than one inch in twelve in the breadth, beyond the compasses by the searcher, inspector, or supervisor, who last measured the same, he shall forfeit for the first half-yard overstretched in the length, 10s.; and for every quarter of a yard above such half-yard, 10s.; for the first inch overstretched in breadth, 5s.; and for every inch above the first, 10s.

1. If any person shall willingly take off, alter, or counterfeit, destroy, or cut out any seal affixed on the said cloth as aforesaid, or figures, letters, and words thereon stamped, or therein woven or printed, before the cloth shall be put in papers for the press, or into the mill; or if any inspector or supervisor shall find any cloth without seal as aforesaid, or find such seal defaced, counterfeited, or altered (whether accidentally lost, or maliciously taken off); or shall find any cloth which shall appear by the mark, stamp, or seal affixed thereon to be overstretched, or the loom-mark specifying the name and place of abode of the maker to be cut out or altered; every person so offending, or the searcher, dresser, clothier, or owner, in whose custody such cloth shall be, shall forfeit not exceeding 40s., nor less than 20s.

Taking off seals, &c.

Penalty.

the 49 Geo. III. c. 109, s. 2, the 5 Geo. III. c. 51, s. 23, is re-

49 Geo. III. c. 109.

16. It shall be lawful for any person, in the striking or plaining of the cloth, upon the tenters only, to use cards of wire, called fine hatters' cards, for the better laying the wool, and manufacturing the cloth, without being subject to the penalty.

6 Geo. III. c. 23.

the 5 Geo. III. c. 51, s. 11, the inspector or supervisor may, in the exercise of his duty, enter into any shops, outhouses, tenter-grounds, or warehouses, and any person resisting or refusing to permit the same shall be liable to a penalty of 10l.

5 Geo. III. c. 51.

8. The supervisors shall be daily employed in visiting the mills, tenter-grounds, workshops, and places within their districts, and

11. The Yorkshire Manufacture in particular.

5 Geo. III. c. 51.

every such supervisor shall measure and stamp with a seal of his name impressed on so many of the said cloths as he convey and keep an account thereof; and transmit the same, together with accounts received by him from the searchers, to the justice at the next quarter sessions. And if any inspector or supervisor be neglectful of his duty, or shall transmit a false account of the cloths measured, he shall forfeit and lose his office.

Sect. 9. And if the inspector or supervisor shall find any cloth or half-cloth, falsely stamped by the searcher, above one inch in more than one third part of the length thereof, or above one third of the length, he shall within seven days give information thereof to a justice, not being a dealer, &c.; and such searcher shall, on conviction by such justice, forfeit 10s. See the 6 Geo. III. c. 23, s. 3.

6 Geo. III. c. 23.

The 6 Geo. III. c. 23, s. 10, provides, that it shall not be lawful for any inspector or supervisor to enter into any house, warehouse, or other place, of any merchant, dresser, or other dealer in cloth, (unless such cloth shall be made use of for dressing, tenting, or keeping of dressed cloth), under pretence of searching for, or examining cloth, or to search or examine any cloth, after the same shall be put up in papers for pressing, or sent to be frized, or otherwise be manufactured, or fitted for exportation or home consumption.

5 Geo. III. c. 51.

By the 5 Geo. III. c. 51, s. 18, if the maker shall expose any cloth for sale without such mark as aforesaid, or without seals as before mentioned, he shall forfeit 20s. for every such piece.

6 Geo. III. c. 23.

Merchants suspecting cloths may wet them.

By the 6 Geo. III. c. 23, s. 4, the buyer, if he suspect any cloth within forty days after the sale and delivery of such cloth (as the same shall have been raised, rowed, dressed, dyed, or put up), shall wet the same into cold water not exceeding four hours, and shall then be fully wet, shall hang the same across a plain rail, for not less than two hours, nor more than four; and then immediately shall call in the same to be measured by some sworn searcher, measurer, or supervisor; and if there shall be found a less quantity in length or breadth in more than one third part of the length thereof than is expressed on any of the seals affixed by the said searcher, inspector, or supervisor before measured the same, in such case, the searcher, &c., who last measured the cloth, shall, within three days after such last advertisement, give information thereof to a justice (not being a dealer, searcher, &c., who before measured and stamped the cloth), and shall and knowingly affix such false and fraudulent seals to the cloth, and the searcher or supervisor who affixed such false seal, be convicted thereof before such justice, on the oath of such searcher, inspector, or supervisor who last measured the said cloth, or of any other sworn searcher, &c., shall forfeit, for the first inch in breadth, or half yard in length, such cloth or end of cloth shall fall short, 5s.; and for every second inch in breadth, or half yard in length, the further sum of 10s. And if any searcher, inspector, or supervisor, who last measured the cloth, shall not in three days give information as aforesaid, he shall, on conviction by such justice, forfeit 40s., and his office, and be disabled from holding any office under this act.

Penalties.

Where false seals found, Inspector, &c., to fix new seals, &c.

Sect. 5. Where such false seal shall be found, the searcher or supervisor who last measured the same shall affix and rivet with his name on the rivet, adding the word inspector or measurer, and, on the seal, the true length, (accounting thirty-seven inches to a yard in length), and the breadth between the lists, in inches, shall be the rule in payment, except that (in order to discourage fraud) the buyer may retain out of the price double the value of the cloth as was overstamped: unless the maker shall, within three days after notice of such deficiency, take the cloth again, and repay the money, together with reasonable expenses.

Inspector, &c.

Sect. 6. If the seller or buyer shall suspect that this last

l an account thereof to the said treasurer.

f any offender shall, for ten days after conviction, and notice
to him at his dwelling-house or last place of abode, refuse or
y any forfeiture by him incurred by reason of this or the said
r shall not give notice of appeal; then, and not before, the
or any other such justice (on certificate of the conviction sent
issue his warrant of distress to the constable of the town or
liff of the liberty, where the offender dwells, requiring him to
ne by distress and sale, rendering the overplus, if any, and
rying the charges of such distress and sale; and where no
stress can be had, the said justice shall commit him to the
rection for any time not exceeding three calendar months.

Persons aggrieved by any order, warrant, or determination of Appeal.

, may appeal to the next sessions, which shall not be held
ten days after the cause of appeal shall arise, giving ten days'
party: and the sessions may, if they confirm or disannul
c., allow costs to either party, to be levied and paid as usual
ppel from any order of justices to the sessions.

And the justices, inspectors, and supervisors, shall return to
from time to time an account in writing of all convictions
ppened within their knowledge, and of the penalties levied
yable to the treasurer: and the inspectors and supervisors
the treasurer, within three months after receipt thereof,
them received on account of such convictions. And every
ecting or refusing to transmit such account within twenty
after any such sessions, or to pay such sums within three

Convictions to be
returned to the
sessions.

11. The York-shire Manufac-ture in par-ticular.

6 Geo. III. c. 23.

Money in the treasurer's hands.

Sessions to settle rates.

calendar months after receipt thereof, shall, on conviction on the oath of one witness before two such justices, forfeit 10*l.*, to be recovered in the same manner as other penalties.

Sect. 24. The money in the treasurer's hands, received on account of the duties and forfeitures, shall, after paying the expenses of the same, be applied for payment of the salaries of the searchers or measurers or inspectors or supervisors, in such manner and proportion as the justices at their Midsummer sessions yearly shall appoint.

Sect. 25. The justices, after payment of the charges of the said Midsummer sessions yearly, may make order for increasing the rates to be paid for measuring, stamping, and sealing, but never to exceed the rates above specified.

XII. Burying of the Dead in Woollen Cloth.

Repeal of acts.

The 54 Geo. III. c. 108, repeals the 30 Car. II. st. 1, c. 3, intituled "An Act for Burying in Woollen," and the 32 Car. II. c. 1, intituled "An additional Act for Burying in Woollen."

XIII. Importation of Woollen Cloth, and Encouraging the Exportation of Woollen Manufactures.

Importation.

By the 3 Geo. IV. c. 41, s. 3, the 11 Edw. III. c. 3, and 4 Edw. III. s. 7, prohibiting the importation of foreign woollen, are repealed. The 6 Geo. IV. c. 105, s. 382, the 3 Geo. IV. c. 41, is repealed.

Exportation.

By the 11 & 12 Will. III. c. 22, woollen manufactures shall be exported custom free.

XIV. Privileges granted to Woolcombers.

May set up trades.

Not removable until chargeable.

May be summoned to make oath of their settlement.

By the 49 Geo. III. c. 109, s. 5, every person who shall have taken an apprenticeship to any branch of the woollen manufacture, or is entitled to exercise the same, and also his wife and children, may exercise such trade, or any other trade or business which they are fit and able for, in any town or place, without suit or molestation of using such trade; and shall not, during the time they exercise such trade, be removable to their place of settlement, by virtue of any act in being relative to settlements, until they become actually settled. And if any such, or his wife or child, shall be prosecuted for any such trade as aforesaid, on his making it appear that he has taken a legal apprenticeship to the said trade, or is the wife or child of a person who has served such apprenticeship, he shall, upon the general issue being pleaded, be found not guilty, and shall have double costs.

By sects. 6 & 7, two justices, where any such person or his family shall exercise such trade, may summon every such person, and examine him on oath concerning the place of his last settlement, who shall obey such summons, and make oath accordingly. And such justices shall give an attested copy of such affidavit, so made, to the person making the same, in order that he may, when required, which attested copy shall be admitted as evidence of such settlement before the justices at any sessions; and if such person or his wife or child, shall again be summoned to make oath as aforesaid, then, on producing such attested copy, he shall not be obliged to make any other or further oath, but shall leave a copy of such attested copy with the justices.

Sect. 8. Provided, that this act shall not prejudice the Univer-

Wreck (a).

1. c. 4; 17 *Edw. II. st. 1*, c. 11; 12 *Anne, st. 2*, c. 18; 3. *Geo. I. c.*
5 *Geo. II. c. 19*; 48 *Geo. III. c. 130*; 49 *Geo. III. c. 122*; 53 *Geo.*
87; 1 & 2 *Geo. IV. c. 7*; 7 & 8 *Geo. IV. c. 29, ss. 19, 20*; 9 *Geo.*
31, s. 24; 7 *Will. IV. & 1 Vict. c. 89, s. 5*; c. 87, ss. 8, 10].

Wreck, what, and who entitled to, p. 450.

Assisting of Ships, &c. in Distress, &c.; and herein of
Salvage, p. 451.

Cutting away, &c. Buoys, &c. of Ships; Exhibiting False
Lights; Impeding Escape of Persons from Wrecks;
Stealing from Wrecks; Assaulting Officers endeavouring
to save Wrecks, p. 477.

Forms, p. 478.

see in general, Hall on Aquatic 106. As to the burial of dead bodies
p. 293, &c.; Bla. Com. Vol. cast on shore, see "*Bodies*," Vol. I.
0; Vol. II. p. 14; Vol. III. p.
VI.

1. *Wreck, what, and who entitled to.*

Wreck, what.

Jetsam, flotsam, and ligan.

Living creature escaping.

Goods cast on shore.

Goods floating between high and low water mark.

Meaning of term in the acts as to customs.

I. *Wreck, what, and who entitled to.*

WRECK of the sea, in legal understanding, is applied to such things as after shipwreck at sea are by the sea cast upon the land; and the jurisdiction thereof pertaineth not to the lord admiral, but to the common law. (2 *Inst.* 167.)

None of those goods which are called *jetsam* (from being cast out of the sea while the ship is in danger, and which there sink and rest upon the bottom of the sea), or those called *flotsam* (from floating on the surface of the sea), or those called *ligan* (which lie in the bottom of the sea, but tied to a buoy, in order to be found again), are to be esteemed wreck, as they remain in or upon the sea, and are not cast upon the land by the sea; but if any of them are cast upon the land by the sea, they are wreck. (1 *Bla. Com.* 292.)

Also, by the 3 Edw. I. c. 4, where a man, a dog, or a cat, escapes out of the ship, the ship, or anything therein, shall not be deemed wreck.

Which statute being but declaratory of the common law, in such instances, "a man, a dog, or a cat," are only put for examples; besides these two kinds of beasts, all other beasts, fowls, and other things are understood, whereby the property of the goods may be preserved. (2 *Inst.* 167.)

And it is now holden, that not only if any live thing escapes from the ship, but if proof can be made of the property of any of the goods or landed things which came on shore, they shall not be forfeited as wreck. (1 *Bla. Com.* 292.) As in the case of *Hamilton v. Davis* (5 *Burr.* 2732). The ship was wrecked, and the goods cast on shore were sufficiently marked, so as that they might be known. But the lord of the manor refused to deliver them, insisting that they were forfeited as wreck, because no living creature came alive from the ship to the shore. By Lord Mansfield, the case hath been produced in the argument of this cause, to prove that the goods were forfeited, because no dog, or cat, or other animal came alive to shore. I will therefore presume, that there never was any proof of the property of the goods; and that no case could have been determined, so as to establish the principles of law, justice, and humanity. The very idea of forfeiture is shocking. And there is no ground for such a forfeiture, upon the presumption that hath been so much urged, between a man or other animal coming to shore alive or not alive. The coming to shore of a man or cat alive, can be no better proof than if they should come as dead. The escaping alive makes no sort of difference. If the owner of the animal were known, the presumption of the goods belonging to him would be equally strong, whether the animal were living or dead. And the court were clear and unanimous that the owner was entitled to his goods again, on his paying or tendering a reasonable salvage.

Things floating, though between high and low water mark, and which have touched the ground, cannot be *wreccum maris*. If fixed to the ground, though between high and low water mark, though with some water round them, they are *wreccum maris*. If after having once touched the land, and being again between high and low water mark they are again afloat, they are not *wreccum maris*, but their legal character will depend on the circumstances. (*Rex v. Two Casks of Tallow*, 3 *Hagg.* 294.)

The term "wreck," in the 3 & 4 Will. IV. c. 52, s. 50, (see *Acts*), is not necessarily limited to goods which become forfeited to the crown or its grantee, by not being claimed within a year after the wreck, according to statute of Westminster 1 (3 Edw. I. c. 4). As where goods imported into this country were warehoused, entered for export, and shipped for Belgium: the vessel was lost within the English Channel, the goods, being partly thrown upon the shore, and partly found on the sea, and landed, were conveyed to the warehouse of the lord of the manor, and immediately claimed by the owner. It was

Anne, st. 2, c. 18, s. 1, "The sheriffs, justices of the peace
 city, or county of a city or town, and also all mayors, bailiffs,
 and officers of corporations and port-towns near adjoining to
 all constables, headboroughs, tithingmen, and officers of the
 ill and every such places, shall, upon application made to
 of them, by or on the behalf of any commander or chief
 ship or vessel of any of her majesty's subjects, or others,
 ger of being stranded or run on shore, or being stranded or
 , are hereby empowered and required to command the con-
 e several ports within her majesty's dominions, nearest to
 e where any such ship or vessel shall be in danger, as afore-
 non and call together as many men as shall be thought ne-
 e assistance and for the preservation of such ship or vessel
 as aforesaid, and their cargoes; and that if there shall be

Sheriffs, mayors,
 &c. and custom-
 house officers, to
 summon men to
 assist ships in
 distress.

7 Will. IV. c. 60, s. 3,
 as so much of the above
 as that wrecked goods,
 duty, shall be deemed
 goods. And by the
 47, s. 17, no abatement
 ble upon certain goods
 shall be made or allowed
 damage, &c.

(b) This revenue of wrecks is fre-
 quently granted out to lords of manors,
 as a royal franchise; and if any one be
 thus entitled to wrecks in his own land,
 and the king's goods are wrecked there-
 on, the king may claim them at any
 time, even after the year and day. (1
Bla. Com. 292.)

2. *Assisting, &c. Ships in Distress, &c.*

26 Geo. II. c. 19.

All ships to assist,

on forfeiture of 100*l*.

Notice of ship stranded.

Justices, &c. to attend.

Salvage.

Allowance for attendance.

Persons entering ship without leave,

or hindering the saving the ship, to make double satisfaction.

any ship or vessel, either man of war or merchant's ship, belonging to his majesty, or any of her subjects, riding at anchor near the place where such ship or vessel is in distress or danger, as aforesaid, the constables above mentioned, or any of them, empowered and required to demand of the superior officers of such ship or vessel so riding at anchor as aforesaid, assistance by their such hands as they can conveniently spare, for the said service or preservation of the said ship or vessel so in distress, as aforesaid, in case such superior officer of such ship or vessel riding at anchor as aforesaid, shall refuse or neglect to give such assistance, he shall forfeit for the same the sum of 100*l*., to be recovered by the superior officer of such ship or vessel so in distress, as aforesaid, together with the costs of suit, in any of her majesty's courts of record, by a bill, plaint, or information, wherein no essoin, wager of law, or other matter shall be allowed."

By the 26 Geo. II. c. 19, s. 6, "for the better ascertaining to be paid in pursuance of this present act, and the act before made in that behalf, and for the more effectual putting the same acts in execution of the peace, mayor, bailiff, collector of the customs, or chief magistrate who shall be nearest to the place where any ship, goods, or effects shall be stranded or cast away, shall forthwith give public notice to be held as soon as possible, of the sheriff or his deputy, the justices of the peace, mayors, or other chief magistrates of towns corporate and commissioners of the land-tax, or any five or more of them, to be hereby required and empowered to give aid in the execution of the said former act, and to employ proper persons for the saving of such ships, vessels, and effects, as shall be stranded or cast away; and also to examine persons, upon oath, touching the same, or the salvage thereof, and to adjust the *quasi* salvage, and distribute the same among the persons concerned in the salvage, in case of disagreement among the parties, or the said act, and that every such sheriff, justice of the peace, mayor, chief magistrate, coroner, lord of a manor, under-sheriff, or commissioner of the said act, attending and acting at such meeting, shall be paid 4*s*. a day for his expenses in such attendance, out of the goods and effects saved, or in his care or direction."

Sect. 9. And also the deputy-sheriff and the officers of execution, or proper officers to put these acts in execution.

And by sect. 10, within the cinque-ports, the lord warden of the cinque-ports, the lieutenant of Dover Castle, the deputy-warden of the cinque-ports, the judge official, and commissary of the Court of Admiralty, shall put the same in execution there.

Sect. 12. "That it shall be lawful for any one or more of the justices of the peace, in case of need, and in the absence of the sheriff, to take sufficient power of the county, to repress all unjust and to duly to enforce the execution of this act."

By the 12 Anne, st. 2, c. 18, s. 3, "if any person or persons, ever, besides those empowered by the said officer of the customs, or his deputy, and the constables as aforesaid, shall enter, or endeavour to enter on board any such ship or vessel so in distress, as aforesaid, without the leave or consent of the commander or other superior officer of such ship, or of the said officer of the customs, or his deputy, or constable, or some or one of them employed for the service or preservation of the said ship or vessel, as aforesaid; or in case any person shall molest him, them, or any of them, in the saving of the said ship, or goods, or shall endeavour to impede or hinder the saving of the said ship, vessel, or goods, or when any such goods are saved, shall strike down or deface the marks of any such goods, before the same shall be put down in a book or books for that purpose, provided by the commanding officer, and the first officer of the customs, as aforesaid,

be 26 Geo. II. c. 19, s. 13, "to prevent confusion among persons ordered to save any ship, vessel, goods, or effects, as aforesaid, in case of shipwreck, &c. in the absence of proper orders, or by contradictory orders," it is enacted, that persons so assembled shall conform, in the first place, to the orders of the masters or other officers or owners, or other persons employed; and, for want of their presence or directions, then, in default, to the orders of the persons authorized by this act, or the orders of queen Anne, in the like manner, in the following subordination: that if any of the said persons shall happen to be present: that is to wit, first, to the orders of any officer or officers of the customs; then of any officer or officers of the excise; then of the sheriff or his deputy; then of any justice or justices of the peace; then of the mayor or magistrate of any corporation; then of the coroner; then of any officer of the land-tax; then of any chief constable; then of any other peace-officers: and any person whatsoever acting in any manner wilfully contrary to such orders, shall forfeit any sum not exceeding five pounds, to be levied by warrant of one justice of the peace; and, in default of payment, the offender shall be committed to the house of correction for a time not exceeding three months."

Orders in case of shipwreck, &c.

Acting contrary.

Penalty.

Every such sheriff, justice of the peace, mayor, chief magistrate, lord of a manor, under-sheriff, or commissioner of the land-tax, and acting at such meeting shall be paid 4s. a-day for his attendance, out of the goods and effects saved."

Geo. II. c. 19, s. 5, if any person shall discover to any justice, custom-house or excise officer, where any such goods are bought, sold, or concealed, he shall be entitled to a reasonable reward to be adjusted, in case of disagreement as to quantum, as the justices of the peace shall think fit.

Anne, st. 2, c. 18, s. 4, if goods be found on any person that were or carried off from any ship so in distress, he shall immediately demand, deliver them up to the owner, or person authorized by law to receive the same, or, in default thereof, shall pay treble the value thereof recovered in an action at law.

sect. 7, if the officer of customs, or his deputy, by fraud or neglect abuse his trust and be convicted thereof in any form of

2. Assisting, &c. Ships in Distress, &c.

12 Ann. st. 2, c. 18.

Reasonable salvage to be made.

* Sic.

Three justices to adjust the quantum.

Goods not claimed in twelve months, to be sold.

and the monies transmitted into the exchequer.

Salvage.

goods, to the said officer of the customs, who shall forthwith the same to the secretary of the Admiralty, who shall publish the next London Gazette, or so much thereof as shall be necessary the information of the persons interested or concerned therein.

By the 12 Anne, st. 2, c. 18, s. 9, this shall not prejudice to any lords of manors, or others, lawfully claiming wreck, or good *jetsam*, or *ligan*.

By sect. 2, "for the encouragement of such persons as shall assistance to such ships or vessels so in distress, as aforesaid enacted, "That the said collectors of the customs, and the commanding officer of any ships or vessels, and all others who or be employed in the preserving of any such ship or vessel in aforesaid, or their cargoes, shall, within thirty days after the same shall be paid a reasonable reward for the same, by the collector, master, or other superior officer, mariners, or owners of the ship so in distress, as aforesaid, or by the merchant whose ship, goods, shall be so saved, as aforesaid; and, in default thereof, the said ship, vessel, or goods so saved, as aforesaid, shall remain in the custody of such officer of the customs, or his deputy, until such time that the same shall be paid, and until the said officer of the customs, or his deputy, and the said master, or other officer of the ship or vessel, and all so employed, as aforesaid, shall be reasonably gratified* for their assistance and trouble, or good security given for that purpose; satisfaction of the several parties that are to receive the same; and in case, after such salvage, the commander, or other superior officer, mariners, or owners of such ship, or vessel so saved, as aforesaid, or the merchant whose goods shall be so saved, as aforesaid, shall dissatisfy the said officer of the customs, or his deputy, touching the reward so deserved by any of the persons so employed, as aforesaid, it shall be lawful for the commander of such ship or vessel so saved, or of the goods, or the merchant interested therein, and also for the said officer of the customs, or his deputy, to nominate three of the nearest justices of the peace, who shall thereupon adjust the quantum of the monies or gratuities to be paid to the several persons acting or employed in the salvage of the said ship, vessel, or goods; and such adjustment shall be binding to all parties, and shall be recoverable in action at law to be brought in any of her majesty's courts of law; and the respective persons to whom the same shall be allotted by the said justices of peace; and in case it shall happen that no person shall come to make his claim to all or any the goods that shall be saved, or in such case the chief officer of the customs of the nearest port to the place where the said ship or vessel was so in distress, as aforesaid, shall apply to three of the nearest justices of the peace, who shall appoint him or some other responsible person in possession of the said goods; and such justices of peace taking an account in writing of the said goods, shall be signed by such officer of the customs; and if the said goods shall not be legally claimed within the space of twelve months next after the date of the rightful owner thereof, then public sale shall be made thereof, and the perishable goods, forthwith to be sold, and after all charges paid, the residue of the monies arising by such sale, with a fair and just proportion of the whole, shall be transmitted to her majesty's exchequer; and the residue remain for the benefit of the rightful owner when appearing, or proving by affidavit or other proof made of his or their right or property therein, to the satisfaction of one of the barons of the court of the exchequer, upon his order, receive the same out of the exchequer."

By the 26 Geo. II. c. 19, s. 5, if any persons, not employing masters, mariners, or owners, or other persons lawfully authorized in the absence of persons so employed, save any vessel or goods, shall cause them to be carried, for the benefit of the owners, into any adjoining custom-house, or other place of safe custody, in

in this kingdom, whether the same ship or vessel shall be
found in distress or otherwise, and which shall have been
lost, or taken possession of by any such boatman, pilot,
or person, shall send a report in writing of the articles so
found, together with the marks, if any, the location, and also an accurate and
correct description of the bearings, distances, and situations, and time
when the same were so found, to a deputy vice-admiral or his
deputy, at the port or place where such boatman, pilot, or person,
shall first arrive with such articles, within forty-eight
hours after their arrival at such port or place, or before he or they
depart, if he or they shall quit it before that time shall ex-
pire, also, within such period as aforesaid, deliver such articles
into a proper warehouse or such other place as the vice-admiral
shall appoint for safe custody, until the same shall be
claimed by the owner or owners thereof, or his, her, or their agent or
attorney, together with such other charges and expenses
as shall be directed to be paid in respect of such articles, paid by
the person or persons who shall give security for the payment thereof, to the satisfac-
tion of the said deputy vice-admiral; and every such pilot, boatman,
or person, who shall wilfully and fraudulently keep pos-
session of or conceal, or secrete any anchors or cables, tackle,
stores, or materials, or any goods or merchandize, or
shall obliterate the marks and numbers thereon, or alter
the same in any manner, with intent thereby directly or indirectly to pre-
vent the recovery and identification of such articles so found, weighed,
or taken possession of as aforesaid, and shall not report and

Salvage.

Concealing such
articles, forfei-
ture of salvage
and punishment.

2. *Assisting, &c. Ships in Distress, &c.*

1 & 2 Geo. IV.
c. 75.

Deputy vice-admiral to send report to Trinity House.

No report sent until articles amount to 20*l*.

Deputy vice-admiral may seize goods not reported and deposited, and make report thereof to Trinity House.

* *Sic*.

In what case one third of value of goods to deputy vice-admiral.

Mode of ascertaining value of articles seized.

If deputy vice-admiral seize by previous information, he and informer to divide 2 sixth parts.

Articles not claimed within a limited time, sold according to 12 Anne, st. 2, c. 1.

deliver the same at some proper warehouse or other place in the aforesaid, and within the time hereinbefore limited, shall forfeit to salvage, and shall, on conviction, be adjudged and deemed receiving goods knowing them to have been stolen, and shall like punishment as if the same had been stolen on shore." [See also a similar enactment, in the 49 Geo. III. c. 122, s. 1.]

Sect. 2. "Every deputy vice-admiral or his agent, to whom report shall be sent, shall within two days forward the same copy thereof, to the secretary of the corporation of the Trinity House of Deptford Strond in London, and the same shall be placed in some conspicuous situation, for the inspection of any person choosing to inspect and examine the same: Provided always, that no report shall be forwarded by such deputy vice-admiral or his agent, until the value of the articles so to be deposited as aforesaid, for and in respect of which report is required to be made as hereinbefore is directed, shall amount to the sum of 20*l*." [See also a similar enactment in the 49 Geo. III. c. 122, ss. 2, 3.]

Sect. 3. "It shall be lawful for any deputy vice-admiral or his agent to seize and detain any such articles as shall not have been reported in the manner hereinbefore directed; and upon such seizure such deputy vice-admiral or his agent shall deposit the same in the warehouse or other place to be appointed as aforesaid, and shall within two days send a report in writing of the articles as* seized, and stating (if any) thereon, to the said corporation of the Trinity House of Deptford Strond, as before directed, to be made public as aforesaid. And if any such deputy vice-admiral or his agent, so seizing, who shall neglect to send such report as aforesaid within two days after seizure as aforesaid, shall on conviction before any justice of the peace or magistrate, or before any one of one credible witness, or on the confession of the party offending, forfeit and pay the sum of 20*l*. for every such neglect, together with the value of the goods so seized, one half of which penalty shall be paid to the informer, and the other half to the poor of the parish where such offence shall be committed; and every deputy vice-admiral or his agent, who shall make any such seizure, without any information being given to such deputy vice-admiral or his agent, and the same articles being claimed by and delivered to the owner or his or her agent, be entitled to receive such sum of money equal to one third part of the value thereof, after the payment of duties, and any charges incidental to the recovery and payment of the same." [See also a similar enactment in the 49 Geo. III. c. 122, s. 5.]

Sect. 4. Provided, that "if the owner and deputy vice-admiral or his agent so seizing cannot agree on the value of the articles, such value shall be ascertained in like manner as is hereinafter directed with respect to salvage, or be referred to the decision of the High Court of Admiralty." [See the 49 Geo. III. c. 122, s. 5.]

Sect. 5. Provided, that "if any such seizure shall have been made in consequence of any information given to any such deputy vice-admiral or his agent, the deputy vice-admiral or his agent so seizing shall be entitled to receive from the owners or their agents of the articles so seized one sixth part of the value thereof, and one other one sixth of such value shall be paid to the person who shall have given the information, and the value of such articles to be ascertained in manner aforesaid." [See the 49 Geo. III. c. 122, s. 6.]

Sect. 6. "If any such articles, so reported and delivered in the warehouse or other place as aforesaid, shall not be claimed within a limited time, shall be sold, and a certificate of such sale shall be delivered to the purchaser thereof, under the directions of the High Court of Admiralty, and the monies arising from the sale thereof be applied in the man-

rying off from the shore to such ship or vessel any anchors,
 r stores from any port or ports of the coast of England and
 rwick-upon-Tweed, or for the saving and preserving any
 handize which may have been wrecked, stranded, or cast
 ship or vessel, or for being instrumental in saving the life
 y person or persons on board the said ship or vessel, the
 ; or owners of such ship or vessel, or his, her, or their
 s, being present with such justices; and that the said jus-
 e full power and authority to hear and determine on all
 r, of services rendered by pilots, boatmen, and others, to
 s (except pilotage), whether such ships or vessels shall at
 distress or not, and that they shall have the like power of
 parties or their witnesses upon oath, as last hereinbefore
 the decision of such justices shall be final and conclusive
 save and except in such cases in which an appeal shall
 by either party to the High Court of Admiralty, such
 interposed within thirty days after the award of the justices,
 so appointed as aforesaid." [See also the 49 Geo. III. c.

Appeal to Admi-
 ralty.

n case the party or parties so claiming to be entitled to sal-
 party or parties who is or are to pay the same, or their
 e dissatisfied with such award and decision of the justices,
 m so to be nominated by them as aforesaid, it shall be law-
 of them respectively, within ten days after such award is
 afterwards, to declare to the justices, or such other person
 d by them as aforesaid, his, her, or their desire of obtaining

Persons entitled
 to salvage dis-
 satisfied may ap-
 peal to Admiralty,
 but goods to be
 restored to owners
 on giving bail.

Masters of ships bound to parts beyond the seas, finding or taking on board anchors and other articles, to make entry in the log-book, and report to Trinity House, and on their arrival in England deliver

Sect. 13. " In case the master, mate, or crew of any s bound to parts beyond the seas, shall find and take on board or vessel, any anchor, cable, or any goods or merchandize, ceive any anchor, cable, or any goods or merchandize such ship or vessel, from any other person or persons w found the same, knowing the same to have been so found mate, or other person having the command of such ship or make a true entry in the log-book of such ship, of the desc articles so found or taken on board as aforesaid, stating t

shall and may be lawful for the deputy vice-admiral or Fees to be paid
hall make the report required by this act to the said cor- for reports.
Trinity House of Deptford Strond as aforesaid, to receive
owner or owners of the articles in respect of which the
made, or if the same are not claimed, then out of the pro-
thereof, the sum of 1*l*. 1*s*. for each report; and that it
ful for the secretary, or other proper officer of the said
he Trinity House of Deptford Strond, to receive in like
mentioned, the sum of 1*l*. 1*s*. for each report so to be re-
id corporation, to be made public by them as aforesaid,
ioned sum shall be paid to the said deputy vice-admiral,
fore the delivery of the goods, and accounted for by him
louse." [See also the 49 Geo. III. c. 122, s. 15]

nd whereas pilots, hovellers, boatmen, and other persons Selling or dis-
have for many years conveyed anchors and cables which posing of anch
weighed, swept for, or taken possession of by them as or cables weigh
ich they may have purchased of other persons, knowing for, &c., in
en weighed, swept for, or taken possession of, without foreign countr
as aforesaid, to foreign countries, and there sold and dis- felony.
e manifest injury and loss of the owners thereof; for
eol, be it further enacted, That every pilot, hoveller, boat-
ter of any such vessel, who shall convey any such anchor
foreign port, harbour, creek, or bay, and there sell and
me, shall be deemed and adjudged guilty of felony, and
rted for any term not exceeding seven years." [See also
. c. 122, s. 16.]

to be granted on affidavit stating as herein mentioned.	without, however, or using the same into any of paper or tence whatsoever, without first obtaining a permit from the peace or magistrate residing near to the residence of which permit shall not be granted, unless an affidavit is made that the cable so intended to be cut up had been chased, and without fraud, by the party so intending to cut and without any knowledge or suspicion on his or her part had been or were dishonestly come by; and in which affidavit be specified the particular quality and description of such name or names of the seller or sellers thereof; which affidavit cited and set forth at length in the permit thereupon granted forfeiting, for the first offence, any sum not exceeding 20 <i>l.</i> 10 <i>s.</i> ; and for every second or further offence, any sum not nor less than 20 <i>l.</i> , to be recovered before any justice of the half thereof to go to the informer, and the other half to the parish in which such offence shall have been committed.” 49 Geo. III. c. 122, s. 17.]
First offence. Further offence.	
Dealers to keep account of old stores bought by them;	Sect. 17. “For the more effectual prevention of such fraud in such marine stores, as aforesaid, shall keep a book or books ten, in which entries shall be from time to time regularly made old marine stores as shall be by them from time to time brought ing a true account and description of the times when the respectively bought by them, and of the names and places of respective sellers thereof; and before any person who shall permit for the cutting up of any such cable (as hereinbefore obtained,) shall proceed to cut up the same by virtue thereof be published, by the space of one week at least before the same, one or more advertisement or advertisements in some paper printed nearest to the storehouse, warehouse, or dock articles shall be deposited, notifying that such party had permit for the purpose of cutting up such cable, and of the quality as therein described, and also specifying the place where cles shall be deposited; whereupon it shall be lawful for any person or persons who may have just cause to suspect that are the property of such person or persons, and shall have oath the fact of such fraud or their suspicion before any
to advertise before cutting up of cordage.	
Persons herein described may demand inspection of books.	

nts of the several particulars hereinbefore required to be en-
be made, or to permit such inspection or examination as
shall, after obtaining such permit for the cutting up of any
nd before the cutting up of the same, neglect to publish
ore advertisement or advertisements relative thereto, as is
directed and required, the dealer or dealers so offending in
the particulars hereinbefore mentioned, shall forfeit and pay
a offence, being his, her, or their first offence, any sum not
, nor less than 10*l.*; and for every second or further of-
m not exceeding 50*l.*, nor less than 20*l.*; one half of which
on conviction before any justice of the peace or magistrate
as aforesaid, be paid to the informer, and the other half to
e parish or township in which such offences shall be com-
in case any of the penalties by this act imposed shall not be
charges incident to the conviction, immediately upon such
e same shall and may be levied by warrant under the
l of such justice of the peace or magistrate, upon the goods
f any such offender or offenders; and in case no sufficient
be found, then every such offender or offenders shall and
itted by any justice of the peace or magistrate as aforesaid
e of any first offence, for the space of six calendar months;
any second or further offence, for the space of twelve calen-
unless the said penalty and the charges shall be sooner paid.”
49 Geo. III. c. 122, s. 18.]

2. *Assisting, &c.*
Ships in Dis-
tress, &c.

1 & 2 Geo. IV.
c. 75.

First offence.

Further offence.

Recovery of
penalties.

All manufacturers of anchors and kedge-anchors shall place
eir name or names, together with a progressive number, and
ht of the anchor, in legible characters upon the crown, and
shank under the stock of each anchor, which he, she, or
nufacture; and shall also place his, her, or their name or
er with a number, and also the weight of the kedge-anchor,
own, and also upon the shank near to the stock of every
; which he, she, or they shall manufacture; and in case any
turer shall neglect to place such name, number, or weight
er hereinbefore directed and required, every such person
o offending, shall, on conviction before any justice of the
gistrate, on the oath of one credible witness, or on the
the party so offending, forfeit and pay any sum not exceed-
ess than 40*s.*; one half of which penalty shall be paid to the
l the other half to the poor of the parish or township in which
shall be committed.” [See also the 49 Geo. III. c. 122, s.

Manufacturers of
anchors to place
name and marks
on anchors and
kedge anchors.

‘ All and every justice or justices of the peace before whom
hall be convicted of any offence against this act, shall and
he conviction to be drawn up according to the following
et.

Form of convic-
tion.

embered, that, on the day of , in the year of our
 , A. B. is convicted before me, , [or ‘ us ’], one [or,
case may be] of his majesty’s justices of the peace for the
he offence, and the time and place when and where committed,
y be]; contrary to an act passed in the second year of the reign
jesty king George the Fourth, intituled [here insert the title of
p. 455]. Given under my hand and seal [or, ‘ our hands and
y and year first above written.

orari, or other writ or process for the removal of any such
r any proceedings thereon, into any of his majesty’s courts of
estminster, shall be allowed or granted.” [See also the 49
22, s. 20.]

‘ It shall and may be lawful to and for any person or per-
cted by any justice or justices of the peace before mentioned,
s or offences against this act, within three calendar months
h conviction, to appeal to the justices of the peace assembled

Appeal from con-
viction to general
quarter sessions.

2. *Assisting, &c. Ships in Distress, &c.*

1 & 2 Geo. IV.
c. 75.

Notice.

Proof of notice.

Decision final.

No certiorari, &c.

Inhabitants competent witnesses.

Offences tried in county where articles found, or if sold in foreign parts, where offenders reside.

Proviso for 48 Geo. III. c. 130

and for 48 Geo. III. c. 104.

Reservation of rights of High Court of Admiralty, &c.

Rights of crown, and of lords and ladies of manors.

at the general quarter sessions holden for the county, city, or place, the matter of appeal shall arise, first giving ten days' notice of such appeal to the person or persons appealed against, and of the matter of appeal, and entering into a recognizance before some justice of the peace for the county, city, or place, with two sufficient sureties, conditioned to abide the determination of the court therein; and the justices at the general quarter sessions shall, upon due proof of notice having been given and recognizance entered into, hear and determine the matter of such appeal, and may either confirm or annul the said conviction, and award such costs to either party as shall seem just and reasonable, and the decision of the court therein shall be final, binding, and conclusive; and no process had or taken in pursuance of this act shall be quashed or vacated on account of form only, or be removed by *certiorari* or any other writ whatsoever, into any of his majesty's courts of record at Westminster or elsewhere; any law or statute to the contrary thereof in anywise notwithstanding." [See also the 49 Geo. III. c. 122, s. 21.]

Sect. 21. Provided, "That the inhabitants of any parish, township, or place, shall be deemed and taken to be competent witnesses, for the purpose of proving the commission of any offence against this act, committed within the limits of such parish, township, or place, notwithstanding the benefit or use, or in aid or in exoneration of such parish, township, or place." [See also the 49 Geo. III. c. 122, s. 22.]

Sect. 22. "All felonies, misdemeanours, and other offences committed in any county, city, or place, shall and may be laid to be committed, and shall be tried in the county (being a county) where any such article, matter, or relation to which such offence shall have been committed, shall be found in the possession of the person committing the offence, or in the county where the same shall have been sold in foreign parts, then in the county in which the person selling the same shall reside." [See also the 49 Geo. III. c. 122, s. 23.]

Sect. 23. Provided, "That nothing in this act contained shall be construed to extend to or be in force within the limits specified in an act passed in the forty-eighth year of the reign of his late majesty, intituled, 'An Act for preventing the various Fraudulent Predations committed on Merchants, Shipowners, and Underwriters, and for remedying certain Defects relative to the Adjustment of Claims under a Statute made in the Twelfth Year of the Reign of his late Majesty Queen Anne;' or in any manner to affect any of the provisions contained in the said act; but the said recited act shall remain in full force and effect within the limits therein specified, as if this act had not been passed; and that nothing in this act contained shall extend or be construed to repeal, take away, or alter any of the clauses, powers, or provisions contained in an act of parliament made in the forty-eighth year of the reign of his late majesty, intituled, 'An Act for the better Regulation of Pilots, and of the Pilotage of Ships and Vessels navigating the Ports, Harbours, and Seas;' but that the said act shall remain in full force as if this act had not been passed."

By sections 24 and 25, this act is not to extend to take away or prejudice, or impeach, in any manner whatever, the jurisdiction of the High Court of Admiralty, or of the Admiralty Court of the Cinque Ports, or of the Admiralty Court of the borough of Great Yarmouth, in Norfolk, or of the Admiralty Court of the borough of Dunwich, in Suffolk, or of the Admiralty Court of the borough of Southampton, in Hants, or of the Admiralty Court of the borough of Southwold, in Suffolk, or of the Admiralty Court of the borough of Regis, in Norfolk; nor to deprive or in any ways prejudice the rights of his majesty, or any patentee or grantee of the crown, or any lord

Act for charging Foreign Liquors and Tobacco, Derelict, Lagan, or Wreck, brought or coming into Great Britain, as payable on Importation of such Liquors and Tobacco.' ” 52 Geo. III. c. 159; 53 Geo. III. c. 87, s. 2.]

When any goods which shall be found or taken possession of by the lord or lady of any manor, or person entitled or claiming to be such, or to goods found flotsam, jetsam or lagan, or wreck of the sea, or by any vice-admiral, or his deputy or agent, or other person whatsoever acting by or under the authority of an act passed in the present session of parliament, and which are so perishable a nature, or so much injured or damaged that the same cannot be kept, then and in every such case such goods may, at the request of any of the persons interested or concerned therein, or in the saving and preserving thereof, by and with the approbation of some justice of the peace, not interested or concerned in the same, or in the saving or preserving thereof, and in the presence of such justice, or of some person for that purpose specially appointed by such justice, be sold by public auction or private contract, as may be directed by some writing under his hand, which writing shall contain an accurate and particular account of the goods, and of the value thereof, and of the other particulars belonging thereto, and of the places of the finding and intended sale thereof; and the money arising by such sale, after defraying the reasonable expenses of the sale, and of the charges allowed by such justice, shall be deposited and

Perishable goods may be sold, with consent of a justice.

Money to be deposited in hands of lord of manor, &c.

2. Assisting, &c. Ships in Distress, &c.

1 & 2 Geo. IV. c. 75.

Account of sale transmitted to deputy vice-admiral, who is to forward reports to secretary of Trinity House.

Goods saved from vessels wrecked, to be forwarded, to the ports of their original destination.

Deputy vice-admiral, &c., with carriages, may pass over private lands near the coast where the vessels are wrecked, for the preservation of the wreck, &c.

If no other fit road.

Compensation to occupiers.

If disagreement, two justices to settle it.

* *Sic.*

remain in the hands of the lord or lady of the manor, or other deputy vice-admiral, who would have received the custody of so sold, to abide and be subject and liable to the claims of all in like manner as the goods themselves would be subject and in remaining unsold: Provided always, that all persons required to report to the deputy vice-admiral of the finding of any good case of any such sale as last aforesaid, likewise transmit to the vice-admiral an account of such sale, and of the proceeds thereof: the said deputy vice-admiral shall forward such reports to the secretary of the Trinity House of Deptford Strond, within the like period and subject to the like penalties and forfeitures for a breach therein, as in cases of any goods found and required to be reported by the provisions of the said recited act and this act." [See also 1 Geo. III. c. 87, s. 3; and 1 & 2 Geo. IV. c. 76, *post*, p. 467.]

Sect. 28. "It shall and may be lawful to and for the commissioners of the customs and excise, and they are hereby required, to permit goods, wares, and merchandize saved from any vessel or vessels wrecked on their respective homeward voyage, to be forwarded to the port or ports of their original destination; and also to permit goods and merchandize saved from any vessel or vessels stranded on their respective outward voyage, to be returned to the port to which the same were shipped; but such commissioners are to take care for the due protection of the revenue in respect of such goods and merchandize."

Sect. 29. "It shall be lawful for the deputy vice-admiral of the coast where any ship or vessel shall be stranded or wrecked, and for any wreck of the sea or goods shall be cast on shore, and for the owner or master of any such ship or vessel, and for the owners of any such goods, or of any part thereof, and for all persons employed or acting in aid of, or in the assisting of any such deputy vice-admiral, officer, master, or owner as aforesaid, in the saving of any such ship, or vessel, or the cargo, stores, tackle, or other articles belonging to the same, or the preserving the lives of the crew belonging thereto, or of any wreck as aforesaid, to pass and carry their horses, carts, carriages, or servants, over any lands near the coast where such vessel shall be so wrecked or stranded, and to use which such wreck shall be cast, without interruption or obstruction to the owner or occupier thereof, for the purpose of rendering aid in saving, recovering, and preserving any such ship or vessel, stores, or any cables, anchors, spars, masts, cordage, or other articles belonging to any ship or vessel, or for saving or otherwise in preserving the lives of the crew, or of any persons on board such ship or vessel, or for the taking possession of, and securing the benefit of the owners thereof, of any wreck or goods, or other articles found on shore, or found near thereto, provided there shall be no road by which the parties may pass and repass with convenience and expedition as over such lands; and also to place upon any such land for a reasonable time, until they can be removed to some warehouse or safe place of deposit, making compensation to the occupier of such lands for any damage done by the means aforesaid: and compensation shall be a charge upon the wreck or goods in respect of the damage may be done, in like manner as salvage; and if the parties cannot agree as to the amount thereof, then the same shall be ascertained and settled by two justices of the peace, or of a single justice to be named by them, in such manner and within such time as the amount of salvage is directed to be ascertained and settled by the said recited act in the forty-ninth year of his said majesty's reign." the 53 Geo. III. c. 87, s. 4.]

'That any question in relation to salvage of any ship or vessel, goods, which shall be performed between high and low water-
e and be deemed to be within the jurisdiction or cognizance
Court of Admiralty, or of his majesty's courts of record at
; anything in any act or acts of parliament to the contrary
ing.'" [See also the 53 Geo. III. c. 87, s. 6.]

That in every case in which any damage shall be done by
hip or vessel to any British ship or vessel, barge, boat, or
any buoy or beacon, in any harbour, port, river, or creek,
appear on a summary application, made to any judge of any
y's courts of record at Westminster, or to the judge of the
of Admiralty respectively, that such damage or loss has pro-
ustained or arisen by the misconduct or negligence of the
riners of such foreign ship or vessel, then and in such case
wful for such judge to cause such foreign ship or vessel,
harbour, port, river, or creek, to be arrested and detained,
ster, or owner, or consignee, or some agent of the owner,
nsignee of such ship or vessel, shall undertake to appear and
in any action which may be brought for such loss or damage,
h sufficient security, by bail or otherwise, for all costs and
recovered, as shall be directed and ordered by such judge, if
the trial of such action or suit, appear that such loss or
have arisen from such negligence or misconduct as aforesaid ;
action or suit the person giving security shall be made de-
shall be stated to be the owner of the foreign ship or vessel
amage ; and it shall not be necessary in any such action or
any other evidence of the liability of such person to such
it, than the production of the order of the judge, made in
ch security as aforesaid." [See also the 53 Geo. III. c. 87,

**‘ That all penalties and forfeitures above the sum of 20*l.*, or Penalties how re-
act, or by an act passed in the present session of parliament, coverable.
n Act to continue and amend certain Acts for preventing the
ds and Depredations committed on Merchants, Ship Owners,
riters, by Boatmen and others, within the Jurisdiction of the
either of them, or by this act, are made to be**

The 49 Geo. III. c. 122, s. 28, contains a similar saving for the House of Deptford Strond, which is not repeated in the 1 & 2 c. 75.

Sect. 35. The act is not to extend so as to prejudice or take right of the mayor of the city of London, or of the mayor monalty and citizens of the city of London, in and upon the Thames and Medway. [See also the 49 Geo. III. c. 122, s. 30]

**Sect. 36. The act is not to extend to Scotland and Ireland.
the 49 Geo. III. c. 122, s. 31.]**

Sect. 37. " ' And whereas it is expedient that the like means sively adjusting and recovering the quantum of the monies or to be paid to the said several persons acting or being employ salvage of any ship or vessel, or the materials or stores belonging or goods or persons on board thereof, should subsist, and be applicable in cases where the salvors shall have acted under and employment and authority of any magistrate, or of the commander superior officers, mariners, or owners of any ship or vessel in d are now by law provided for adjusting the quantum of such gratuities which shall have become due in cases where applic have been first made to the officers of the customs, or other the officers in that behalf named and appointed in and by a certain in the twelfth year of the reign of Queen Anne, intituled "A preserving all such Ships and Goods thereof which shall hay forced on Shore or stranded upon the Coasts of this Kingdo other of Her Majesty's Dominions," and where such assistance upon have been rendered, in pursuance of the provision of the

be it therefore enacted, that all and every the means which in the said last-mentioned act subsist, and may now be by law the conclusively adjusting, and for the recovering of the quant monies or gratuities to be paid to the several persons acting employed in the salvage of any ship or vessel, or the material belonging thereto, or goods, in cases where application shall first made pursuant to the said act, to officers of the custom the officer or officers in that behalf mentioned, and assistance been thereupon rendered and had, in pursuance of the provisi said act, shall be by law applicable and available, in like ma intents and purposes, in cases where the salvors shall have a and by the employment and authority of any magistrate, or o mander or other superior officers, mariners, or owners of a vessel in distress, although no such application shall have bee nor any authority or assistance derived from, any officer of th or other the officer or officers in the said statute in that behalf r and thereupon, upon payment or tender and refusal of the q the monies or gratuities to be paid to the several persons who acted or been employed in such salvage, or in case such paymen cannot be made, on security being given for the true payment the satisfaction of the justices who shall have adjusted such q gratuities, it shall not be lawful for any officer of the custom person or persons having the possession or custody of such al materials, stores, or goods, any longer to retain the possession of the same, or any part thereof, by reason or pretence of a right to a compensation or gratuity of such salvage as afores having acted or been employed therein." [See also the 4 c. 122, s. 32.]

Sect. 38. " In all cases it shall be lawful for the owner or owners to refuse, for the salvors, to sell so much of the property saved as will be sufficient to defray the salvage and expenses attending the same, and such other reasonable charges respecting the said property as shall be allowed by the Court of Admiralty, or by the justices acting in execution of the provisions of this Act."

that a production of an order or decree from the High Court of Admiralty, or of an award made by the justices acting in execution of this act the commissioners of the customs and excise empowered and required, and they are hereby empowered and allowed the sale of such goods aforesaid, free from the payment of duties: Provided nevertheless, that in all cases in which they may think fit, it shall be lawful for the commissioners of the customs to refer any such award, which may be produced to them from the High Court of Admiralty, to the revision of the High Court of Admiralty." declares the act to be a public act.

2. *Assisting, &c. Ships in Distress, &c.*

1 & 2 Geo. IV. c. 76.

* Sic in act.

Award may be referred by customs or excise to Court of Admiralty.

Public act.

SCHEDULE TO WHICH THIS ACT REFERS.

day of _____, in the year of our Lord _____, before me, _____, in the county of _____, [ship's name], A. B. [here insert the names of the salvors against, and name the stores and other articles (*id est*) [cables, &c., as the case may be], certain goods and merchandizes of and taken possession of, and belonging to the said ship, whereof _____, master, and also against the said _____, master, and the owners [or if none appear by themselves or agents, then leave out the master's name] said goods and merchandize, in a cause of salvage [master's name] appeared personally _____, of _____, and _____, of _____, who themselves as sureties for the said _____, the master, and for the said goods and merchandize; and, submitting themselves to the jurisdiction of the High Court of Admiralty of England, bound themselves, their heirs, and administrators, for the master and owners of the said merchandize, in the sum of _____, of lawful money of Great Britain, to answer such salvage and expenses, or the value of the said goods and merchandize, as shall be hereinafter decreed by the said court, in the tenor of the act in that case made and provided; and, unless the said persons do, they hereby consent that execution shall issue forth against their heirs, executors, and administrators' goods and chattels, wherever the same shall be found, to the value of the sum above mentioned. This was duly taken, acknowledged and received, at the time and place above mentioned, before me, the undersigned commissioner; and I do believe and think the said persons above mentioned sufficient security for the said sum of _____.

In a similar form in the schedule to the 49 Geo. III. c. 122.

Schedule.

1 & 2 Geo. IV. c. 76, intituled, "An Act to continue and amend the law for preventing the various Frauds and Depredations committed by Merchants, Ship-owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports; and also for remedying certain Defects relative to the Adjustment of Salvage, under a Statute made in the 12th Year of the Reign of her late Majesty, Queen Anne, which act was to continue in force for seven years from thence to the end of the next session of parliament; and by an act passed in the 53rd year of his late majesty, king George the Third, the said above-recited act, except so far as the same was further continued in force for seven years from the passing of the said act, and from thence to the end of the next session of parliament, and no longer; and whereas it is expedient that the said recited act should be further continued, except so far as the same are altered by this act:" it is enacted, "That it shall and may be lawful for the Lord warden of the Cinque Ports, for the time being, to nominate and appoint any instrument or instruments under his hand and seal, three

Salvage.

1 & 2 Geo. IV. c. 76.

48 Geo. III. c. 130.

53 Geo. III. c. 87.

Lord warden to appoint commissioners to determine differences

2. Assisting, &c. Ships in Distress, &c.

1 & 2 Geo. IV.
c. 76.

relative to salvage.

Who are to appoint a secretary, subject to approbation of lord warden.

Proceedings entered.

* *Sic.*

Power to commissioners to settle all differences which may arise within the limits herein mentioned.

* *Sic.*

Commissioners and secretary to be paid by owners, &c.

Fees as allowed by the lord warden.

No commissioner to act out of place of residence.

or more substantial persons in each of the Cinque Ports, two towns, and their members, to adjust and determine any difference to salvage (which may arise) between the master of any vessel person or persons bringing such cables and anchors ashore; and any ship or vessel shall be either forced or cut from her cables and anchors, by extremity of weather, or by any other accident which shall leave the same in any roadstead, or other place within the jurisdiction of the Cinque Ports, two ancient towns, and their members, and if the difference cannot be adjusted between the persons concerned, then the difference shall be determined by any three or more of the said persons so to be chosen as aforesaid, within the space of twenty-four hours after such difference shall be referred to them for their determination thereof, any custom to the contrary in anywise notwithstanding: Provided that such commissioners shall, immediately after their nomination, proceed to elect some fit and proper person, who shall be a notary public extraordinary in Chancery, as their secretary or register,* except at the port of Dover, where the register for the time being of the Admiralty of the Cinque Ports shall be the register; * and which secretary or register,* shall enter in a book, to be kept for that purpose, the proceedings of such commissioners, and also a copy of the award which they shall from time to time make; but such election of secretary or registers,* shall be subject to the approbation of the lord warden for the time being." [See also the 48 Geo. III. c. 130, s. 1.]

Sect. 2. "It shall be lawful for the said commissioners, to be chosen as aforesaid, to decide on all claims and demands whatever which may be made by pilots, hovellers, boatmen, and other persons of any sort or description rendered to any ship or vessel, carrying off from the shore to such ship or vessel, any anchor, cable, or other stores from any part or port of the coast of Kent, Sussex, the Isle of Thanet, within the jurisdiction aforesaid, as for taking up and conveying such ships and vessels from the Downs, and other roadsteads on the coast of Kent, Sussex, and Essex, and from the Isle of Thanet, or from the sea or any other place, to Ramsgate, Dover, or other harbour, port, or place, on the said coasts, within the jurisdiction aforesaid, or for the saving and preserving, within the jurisdiction aforesaid, any goods or merchandize wrecked, stranded, or cast away from any ship or vessel, the master or owners thereof, or their agents, shall be present at the place where the commissioners shall be sitting; and the said commissioners shall have full power and authority to determine on all cases whatever of services rendered by pilots and others, to shipping within the jurisdiction aforesaid, whether such ships or vessels shall be in distress or not; and that it shall be lawful for the said commissioners, whenever they see occasion, to examine the pilots or their witnesses upon their oath, which oath shall be administered by the said secretary or register." * [See also the 48 Geo. III. c. 130, s. 2.]

Sect. 3. "It shall be lawful for the commissioners so to be chosen and their secretary or register as aforesaid, who shall decide on all claims or demands as aforesaid, to demand and receive of the owners of such ships or vessels, or the proprietors of any such goods or merchandizes, against whom any pilot, boatman, or other person shall have made any claim or demand for services of any sort rendered to such ships or vessels, or for the sole saving and preserving any goods or merchandizes wrecked, stranded, or cast away, within the jurisdiction aforesaid, and such owners and proprietors are hereby required to pay to the said commissioners a fee or reward for deciding on every such claim and demand adjudged to them in that behalf by the lord warden of the Cinque Ports for the time being: Provided always, that no person to be chosen as a commissioner by virtue of this act shall have power or authority to act at any other port or place than that in which he is resident, or his usual place of residence is not distant more than one mile from the said port or place."

In case the party or parties so claiming to be entitled to salvage or compensation for services rendered as aforesaid, or the party or parties refuse to pay the same, or their agents, shall be dissatisfied with the award and decision of the commissioners, it shall and may be lawful for them respectively, within eight days after such award is made, or afterwards, to declare to the commissioners his or their dissatisfaction, and obtaining the judgment of some competent Court of Admiralty, to require the said salvage or compensation as aforesaid; and thereupon the parties shall forthwith be required by the commissioners to appear before him or they will proceed in the Court of Admiralty of the Cinque Ports, or the High Court of Admiralty of England, and he or they will proceed within twenty days from the date of such award, to obtain a monition against the adverse party; but in such case the commissioners are hereby empowered and required to permit the ship to proceed on her cargo, notwithstanding such declaration and proceedings, to continue on her voyage, or to deliver to the owners and proprietors, or to any other persons, any goods or merchandizes respecting which any claim shall be made upon the owners or proprietors of the same, or to give good and sufficient bail in double the amount of the value of the goods; and which bail the said commissioners, or any of them, are hereby authorized to take and certify according to the form in the schedule hereunto annexed, and to transmit the same to the Court of Admiralty, in which the intention of proceeding shall be so declared, together with a true certificate in writing of the value of the whole ship and cargo, or other goods and merchandizes respecting which salvage shall be claimed, and also an official copy of the proceedings and awards, certified by the said secretary or other officer of the Court of Admiralty, and the same shall be admitted by such Court of Admiralty as the Court of Admiralty of the Cinque Ports, or the High Court of Admiralty of England, as the case shall require. [See also the 48 Geo. III. c. 130, s. 5.]

Provided, "that on an appeal so as aforesaid being made to the Court of Admiralty of the Cinque Ports, or to the High Court of Admiralty of England, the appeal shall be taken and held to be final, and no ulterior appeal from the Court of Admiralty of the Cinque Ports, or from the Court of Admiralty of England, shall lie to the King in Chancery."

Appeal to Admiralty, or Admiralty of the Cinque Ports; but ship to be liberated, on bail in double amount of award.

Bail to be taken and certified according to schedule annexed.

Appeal conclusive.

2. *Assisting, &c. Ships in Distress, &c.*

1 & 2 Geo. IV.
c. 76.

jurisdiction, to be deposited as herein mentioned, &c., or the persons having them in possession adjudged guilty of receiving stolen goods.

Wrecked merchandize and ships' stores to be also deposited in like manner.

If sold, or marks defaced by the salvors.

Felony.

Officers of lord warden may seize anchors, stores, &c., concealed within their jurisdiction, &c.,

to be deposited as aforesaid.

Receivers subject to same punishment as though goods had been stolen on shore.

ever, which may have been parted with, cut from, or left by a vessel in the Downs, or elsewhere, within the jurisdiction aforesaid, whether the same shall be in distress or otherwise, and which shall be weighed, swept for, or taken possession of by any pilots, boatmen, or other person or persons, shall be by them delivered to the lord warden, or his deputy, at Ramsgate, Deal, or Dover, Harwich, Brightlingsea, or Wivenhoe, or such other places of deposit declared by this act for the reception of all such articles, or such other places as shall be declared by the lord warden in the same state in which they are found, to the serjeant or serjeants at law, or the admiralty of the Cinque Ports aforesaid, their deputy or deputies, or other person as he shall authorize to receive the same; but if any person or persons shall take possession of, or receive, or so delivered immediately, or duly reported to such serjeant or serjeants, or their deputies, on the finding thereof, and shall afterwards be covered in the possession, custody, or power of such pilots, boatmen, or other person or persons, he, she, or they shall, on being adjudged and deemed guilty of receiving goods knowing them to be stolen, and shall suffer the like punishment as if the same had been stolen on shore." [See also the 48 Geo. III. c. 130, s. 7.]

Sect. 8. "All merchandize, materials of any sort, or marine stores of every description, whether belonging to his majesty, or to his subjects or foreigners, which may be preserved from any ship or vessel stranded, deserted by her crew, or wrecked, either on shore or in the Goodwin or any other sand or shoal, or any part of the main or any other port or place within the jurisdiction aforesaid, shall be landed and deposited at one of the six places of deposit, belonging to the lord warden or his deputies at Ramsgate, or Deal, or Dover, Harwich, or Wivenhoe, or such other place as shall be declared and authorized by the said lord warden for that purpose, whichever shall be most convenient or contiguous to the place where the loss occurs; and that if any person or persons who shall have preserved or taken possession of any such merchandize or marine stores within the jurisdiction aforesaid, shall dispose of, or otherwise make away with the same, or shall in any manner conceal, deface, take out, or obliterate the marks or number thereof, or alter the same in any manner, with intent thereby directly or indirectly to prevent the discovery and identity of such articles by the owners thereof, such person or persons shall be deemed and adjudged guilty of felony." [The 48 Geo. III. c. 130, s. 8, has a similar enactment as to Harwich, Brightlingsea, and Wivenhoe.]

Sect. 9. Provided "That nothing herein contained shall be construed to extend, to the preventing or restraining the serjeant at law, or any other officer of the lord warden, from seizing all such anchors, cables, buoys, buoy-ropes, or other ships' stores or materials, or any other articles, and likewise all such merchandize and marine stores as aforesaid, or which he or they shall find in the possession of any person or persons who shall be conveying, or in the act of conveying, the same out of the said jurisdiction, or from any place within the same, other than to one of the said public places of deposit aforesaid; but it shall be lawful in all such cases, for the officers aforesaid, to seize the same as well on shore as within the said jurisdiction, and to take and carry the same to one of the said public places of deposit, any thing in this or in any other act, custom, or usage to the contrary notwithstanding." [See 48 Geo. III. c. 130, s. 9.]

Sect. 10. "If any person or persons, within the jurisdiction aforesaid, shall knowingly and with intent to defraud and injure the owners thereof, purchase or receive any anchors, cables, ropes, or other ships' stores or materials of any description whatever, or any other articles, or lading which may have been taken up, weighed, swept for,

**Persons herein
described may de-
mand inspection
of books.**

**Refusing to pro-
duce the book of
entries or neg-
lecting to give
notice before cut-
ting up cable or
cordage, &c.**

First offence.

Further offence.

of any such cable or cordage, (as hereinbefore required to be cut up) shall proceed to cut up the same by virtue thereof, there shall be published by the space of one week at least before the time of cutting up the same, one or more advertisements in some public newspaper within the counties of Kent, Sussex, and Essex, and near the residence or place of abode of such party, notifying that such party has obtained such permit for the purpose of cutting up such cable or cordage, and of such kind and quality as therein described, of which permit shall be inserted in such advertisement; and it shall be lawful for all and every person or persons who shall have cause to suspect, and shall have verified upon oath the fact of such cable or cordage, her, or their suspicion, before any of the persons duly authorized as magistrates within the limits aforesaid, by warrant of such magistrate to him or them for that purpose thereupon granted, to require any such dealer who shall have so advertised, and shall be suspected as aforesaid, the production or examination of such books of entries thereby required by him to be kept, and to examine the cable or cordage described in such permit; and if any such dealer shall, when so thereunto required as aforesaid, refuse to produce to the person named in such warrant as aforesaid, whose oath the same had been obtained, the book or books of entries of such dealers so required to be made therein as aforesaid, or neglect to keep any such book or books in which entries of the several particulars hereinbefore required to be made, or to permit such inspection and examination as aforesaid, shall, after obtaining such permit for the cutting up of any such cable or cordage, and before the cutting up of the same, neglect to publish one or more advertisements relative thereto, as is hereinbefore required to be published, the dealer or dealers so offending in any one of the particulars hereinbefore mentioned, shall forfeit and pay, on conviction of such offence, being his, her, or their first offence, any sum not exceeding 20*l.*, nor less than 10*l.*; and for every second and further offence, any sum not exceeding 50*l.*, nor less than 30*l.*; one half of which penalty shall be paid on conviction before any of such magistrates duly authorized as aforesaid, the limits aforesaid, be paid to the informer, and the other half to the person who shall have verified upon oath the fact of such cable or cordage.

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Boundaries of jurisdiction of lord warden of Cinque Ports.

Sect. 18. "And whereas doubts have arisen as to the of the jurisdiction of the lord high admiral and the lord warden of Cinque Ports, and it is highly expedient for the purposes the same should be clearly set forth: now it is hereby enacted, That the boundaries of the jurisdiction of the lord warden of Cinque Ports, in regard to any matter or thing contained be and shall be deemed and taken to be as follows, (that is to say) from a point to the westward of Seaford, in the county of Sussex, including the same: thence passing in a line over the sand or shoal called the Horse of Willingdon, and the same distance without the ridge and new shoals; and within five miles of Cape Grisnez, on the coast of France; the shoal called the Overfalls, two miles distant from thence in a line without, and the same distance along the east side of the Galloper Sand, until the north end thereof bears westerly true bearing, from the west north west bearing of the Goodwin Light; a direct line across the shoal called the Thwart Middle, to the shore underneath the Maze Tower; from thence following the shore up to Saint Orsyth, in the county of Essex, and following the shore up to the river Coln, to the landing-place of the Colne; from thence in a direct line to Shoe Bacon; from thence to the point of Shellness, on the Isle of Shippey; and from thence to the waters to Feversham; and from thence following the line of the North and South Forelands, and Beachy Head, till it reaches the Red Cliff, including all the waters, creeks, and haven between them: Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend, to enlarge or abridge the local limits of the ancient jurisdiction, or the privileges of the lord high admiral of England or the lord warden of Cinque Ports respectively, or their respective representatives; and the same shall remain according to ancient usage, and the provisions of the Statute in that behalf made; and the provisions hereinbefore contained shall only be deemed applicable to the purposes of this act; anything herein contained to the contrary notwithstanding." [See also the 48 Geo. III. c. 130, s. 20.]

Sect. 19. "And whereas it is expedient that the like provisions should be made for the jurisdiction of the lord warden of Cinque Ports, and for the purposes the same should be clearly set forth: now it is hereby enacted, That the boundaries of the jurisdiction of the lord warden of Cinque Ports, in regard to any matter or thing contained be and shall be deemed and taken to be as follows, (that is to say) from a point to the westward of Seaford, in the county of Sussex, including the same: thence passing in a line over the sand or shoal called the Horse of Willingdon, and the same distance without the ridge and new shoals; and within five miles of Cape Grisnez, on the coast of France; the shoal called the Overfalls, two miles distant from thence in a line without, and the same distance along the east side of the Galloper Sand, until the north end thereof bears westerly true bearing, from the west north west bearing of the Goodwin Light; a direct line across the shoal called the Thwart Middle, to the shore underneath the Maze Tower; from thence following the shore up to Saint Orsyth, in the county of Essex, and following the shore up to the river Coln, to the landing-place of the Colne; from thence in a direct line to Shoe Bacon; from thence to the point of Shellness, on the Isle of Shippey; and from thence to the waters to Feversham; and from thence following the line of the North and South Forelands, and Beachy Head, till it reaches the Red Cliff, including all the waters, creeks, and haven between them: Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend, to enlarge or abridge the local limits of the ancient jurisdiction, or the privileges of the lord high admiral of England or the lord warden of Cinque Ports respectively, or their respective representatives; and the same shall remain according to ancient usage, and the provisions of the Statute in that behalf made; and the provisions hereinbefore contained shall only be deemed applicable to the purposes of this act; anything herein contained to the contrary notwithstanding." [See also the 48 Geo. III. c. 130, s. 20.]

Sect. 22 declares the act to be a public act.

Schedule.

" On the day of , in the year of our Lord
 , at , in the county of .

[Masters'

"A. B., [here insert the name of the salvors] against the said ship, whereof was master, her tackle, apparel, and furniture, and the goods, wares, and merchandizes on board the same, and also against the said master, and the owners of the said ship and cargo [or as the case may be, "against certain goods and merchandizes lately laden on board the said ship, whereof was master, and also against the said master, and the owners" (or, if the owners alone appear by themselves or agents, then leave out the master's name) "of the said goods and merchandizes"] in a cause of salvage.

"On which day of W. X., of who produced them the said the owners of the said as the case may be master and owners of merchandizes; and selves to the jurisdiction of the Court of Admiralty, the Court of Admiralty Ports," as the case themselves, their administrators, for and owners of the [or, as the case may master and the owners of the said goods and merchandizes"], in the sum lawful money of Great Britain, unto the said A. B., &c., to and expenses of the said ship and cargo [or as the case may goods and merchandise,"] as shall hereafter be decreed by according to the tenor of the act in that behalf made and provided they shall so do, they hereby consent that execution shall be taken, their heirs, executors, and administrators, goods and chattels the same shall be found, to the value of the sum above mentioned.

"This bail was duly taken, acknowledged, and received, time and place above written, before me, the undersigned commissioner: and I do hereby further certify, that I do and consider the persons above mentioned sufficient for the sum of pounds.

term not less than fifteen years, or to be imprisoned for any exceeding three years." This offence is not triable at sessions, c. 38, s. 1.

ing of goods whereof no one had a property at the time is not d, therefore, he who takes away a wreck before it is seized by who has a right thereto, is not guilty of felony, and shall only d by fine or the like. (1 Haw. c. 33, s. 24.) That is to say, he y of felony by the common law. (*Sed query, see 2 East, P. C. ss. 162.*)

Seizing wreck not felony at common law.

7 Will. IV. & 1 Vict. c. 87, sect. 8, enacts, "That whosoever ler or steal any part of any ship or vessel which shall be in dis- recked, stranded, or cast on shore, or any goods, merchandize, of any kind, belonging to such ship or vessel, and be convicted all be liable, at the discretion of the court, to be transported : seas for any term not exceeding fifteen years, nor less than or to be imprisoned for any term not exceeding three years."

Stealing from wrecks.

. "That where any person shall be convicted of any offence : under this act, for which imprisonment may be awarded, it rful for the court to sentence the offender to be imprisoned, or risoned and kept to hard labour, in the common gaol or house on, and also to direct that the offender shall be kept in solitary nt for any portion or portions of such imprisonment, or of such ent with hard labour, not exceeding one month at any one time, xceeding three months in any one year, as to the court in its shall seem meet."

Hard labour.

Solitary confine- ment.

c 8 Geo. IV. c. 29, s. 18, after enacting that the plundering or

3. *Cutting away, &c. Buoys, &c.*

Plundering any part of the tackle or cargo of a ship-wrecked vessel.

Proviso as to articles of small value stolen without outrage, &c.

Persons in possession of ship-wrecked goods, not giving a satisfactory account.

If any person offers ship-wrecked goods for sale, the goods may be seized, &c.

Assaults on endeavourers to save wrecks, &c.

stealing from a wreck, &c., shall be punishable with death, but the offence is now punishable under the above 8th section of the 7 V 1 Vict. provides as follows, "If any person shall plunder or steal of any ship or vessel which shall be in distress, or wrecked, or cast on shore, or any goods, merchandize, or articles of any kind coming to such ship or vessel, every such offender, being convicted, shall suffer death as a felon: Provided always, that when articles of small value shall be stranded or cast on shore, and shall be stolen in any circumstances of cruelty, outrage, or violence, it shall be lawful to cut and punish the offender as for simple larceny; and in either case the offender may be indicted and tried either in the county in which the offence shall have been committed, or in any county next adjoining."

Mr. Carrington observes, "It may be considered that the terms 'small value' are very indefinite, in so penal an enactment; but those taken from the latter of the two statutes above mentioned. If it had been enacted, that persons who took articles of *small value* should be triable for *petty larceny*; which appears to have the same meaning as the terms 'small value' to a value under twelve pence." (299.)

Sect. 19, also enacts, "That if any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, or cast on shore as aforesaid, shall, by virtue of a search-warrant granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and the same shall be carried before a justice of the peace, shall not be lawful for the justice that he came lawfully by the same, then the same shall, by the justice, be forthwith delivered over to or for the use of the owner thereof; and the offender, on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding 20s. as the justice shall seem meet."

Sect. 20. "If any person shall offer or expose for sale any goods, merchandize, or articles whatsoever, which shall have been unlawfully taken from any ship or vessel in distress, or wrecked, stranded, or cast on shore, as aforesaid, in case any person to whom the same shall be offered for sale, or by any officer of the customs or excise, or peace officer, may lawfully seize the same, and shall, with all convenient speed, carry the same, or give notice of the seizure, to some justice of the peace; and if the person who offered or exposed the same for sale, being duly summoned by the justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandize, or articles, then the same shall, by the justice, be forthwith delivered over to or for the use of the owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding 20l., as the justice shall seem meet."

See the general clauses of and mode of proceeding under Geo. IV. c. 27, *ante*, "Larceny," Vol. III.

The 9 Geo. IV. c. 31, s. 24, inflicts punishment for assaults on endeavourers to save wrecks, &c., for their endeavours to save shipwrecked property; and see "Assault," Vol. I.

IV. Forms.

Indictment for exhibiting false signals, on 7 Will. IV. & 1 Vict. c. 89, s. 5.

— } The jurors for our lady the Queen upon their oath present to wit. } before and at the time of committing the felony hereinafter mentioned, a certain ship [or "vessel"], the property of some person or persons aforesaid unknown, was sailing on the high seas, [or, "in a certain

To the constable of

it appears to me, J. P., Esq., one of her majesty's justices of the peace for the said county, by the information on oath of A. B., of the county aforesaid, labourer, in this behalf, that a certain ship was, on, &c. and cast on shore (or "in distress, wrecked, stranded," or "cast on the sea coast, in the county aforesaid, and that the following goods in the said ship, to wit, , have since that time been by some persons unknown, feloniously plundered, stolen, taken, and carried away, by aforesaid; and that the said A. B. hath reasonable cause to suspect, that C. D., of , in the same county, ["labourer,"], possession, or on his premises, and with his knowledge, the said act thereof. These are, therefore, in the name of our said lady the authorize and require you, with necessary and proper assistance, to day-time into the dwelling-house and premises of the said C. D., at said, in the county aforesaid, and there diligently to search for the and if the same, or any part thereof, shall be found upon such that you bring the goods so found, and also the body of the said C. D., or some other of her majesty's justices of the peace for the county to be disposed of and dealt with according to law. Given under my seal, at , in the county aforesaid, this day of, &c.

J. P.

(4.) Search warrant after goods plundered from a wreck, on 7 & 8 Geo. IV. c. 29, s. 19.

To the constable of

by virtue of a certain warrant under the hand and seal of me J. P., one of her majesty's justices of the peace in and for the county aforesaid,

(5.) Order thereon that the goods be delivered up.

thereof. Given under my hand and seal, at _____, in the
this _____ day of _____ A.D. 18 _____.

(6.) Conviction
thereon.

_____ } Be it remembered, that, on &c., at &c., in the con-
to wit. } is convicted before me, J. P., one of her majesty's ju-
for the said county, for that he, the said C. D., on &c., at the
in the county aforesaid, had in his possession, [or "on his pr
aforesaid, and with his knowledge, ["one bag of wool"], of
shillings, of the goods and merchandize belonging to a certai
before stranded and cast on shore on the sea-coast in the cou
property of some person or persons unknown, and which said
some person or persons unknown feloniously plundered, stolen,
away. whilst the said ship was so stranded and cast ashore,
that, upon the said goods and merchandize being found in the
upon the premises"] of the said C. D., as aforesaid, by r.
search-warrant, and the said C. D. being carried before m
now here as such justice as aforesaid, he, the said C. D., do
or satisfy me, the said J. P., that he came lawfully by t
merchandize, but altogether faileth in so doing, against the f
in that case made and provided: I, the said J. P., do therefor
C. D., for his said offence, to forfeit and pay the sum of
above the value of the said ["wool"] so stolen, as aforesaid
sum of _____ shillings, being the value of the said ["wool"]
the sum of _____ shillings* for costs; and, in default of imm
the said sums, to be imprisoned in the _____, ["and there kept
for the space of _____ calendar months, unless the said sum sh
And I direct that the said sum of _____ pounds shall be
aforesaid, in which the said offence was committed, to
according to the directions of the statute in that case made
that the said sum of _____ shillings shall be paid also to the
by him applied in like manner, the owner of the said ["wool"]
and I order that the said sum of _____ shillings for costs sha
[the complainant]. Given under my hand and seal, the day a
mentioned.

* If time be given for the payment of the penalty, the con-
same as the above to the] for costs; and I order that the s

4. Forms.

a third party, after the word "*award*," continue and say as follows: *vi*
A. A., B. B., C. C., and D. D., of *aforesaid, being the owners of*
ship or vessel, shall, upon notice of this our order and award, pay unto
A. B. the sum of *; that E. E. and F. F., of &c. ["merchants*
the owners of a part of the cargo of the said ship or vessel, shall, upon
this our order and award, also pay unto the said A. B. the sum of
that G. G., H. H., and I. I., of &c. ["merchants"], being the
another part of the cargo of the aforesaid ship or vessel, shall, upon
this our order and award, likewise pay unto the said A. B. the sum
for the services of every description rendered by the said A. B., as af
Given under our hands and seals, at *, in the said county of*
day and year first above written.

J. P.
K. P.
N. P.

Writs, Proof, &c., of, see "Evidence," Vol. II. p. 3

Writings, How stated in Indictment, see "Indictment,"
p. 893:—In a Conviction, see "Conviction," Vol. I.
—Stealing of, Vol. III. pp. 1135, 1136.

THE END.

at large, from the very nature of the thing, have, in process
me very cumbersome and very intricate. They are not to be
it for a larger sum of money, nor to be understood without a
se of time, than a wise man would often choose to employ in

to be taken in that matter seems to be this :

ally to repeal all those statutes, and parts of statutes, which
repealed by subsequent contradictory statutes.

To repeal all those statutes which are *obsolete*, and grown out
e alteration of times and circumstances.

o repeal all those statutes which, being neither contradicted
at statutes, nor become obsolete, yet are rendered *useless* by
tatutes enacting the same things over again, with alterations
ents.

To repeal or alter all those statutes which are *frivolous*,—
h possibly cannot, or probably never will, be executed : such
ch appoint an offender to be whipped by the hands of the
agman, where perhaps there is no such officer ; or which
offence under a very small penalty, to be recovered in the
estminster, where the reward will not countervail the expense
g it.

o omit all those statutes which, although enacted to be public
are only of *private concern* : such as those for bridges in
aces, or paving the streets in such a market town ; and the

As to the rest, to lay all the statutes and clauses of statutes
ich relate to the same subject, and out of the whole to com-
vo, or more uniform and consistent statutes ; and then to
se other, as workmen destroy the scaffolding when they have
uilding.

it of one material objection against this method of proceed-
at is, that the law being now for the most part well settled
tutes, notwithstanding their acknowledged disorder and con-
would tend to unsettle all again, by breaking the connexion
is between one statute and another. and one part of a statute

remises. (*Reg. v. Mansfield*, 1 Car. & M. 140.)
 is indicted as a principal, for feloniously making a die which would be the
 the resemblance of the obverse side of a shilling. A. had gone
 -sinker, and ordered four dies of the size of a shilling to be made,
 them to be for two whist-clubs: one die was to be exactly like the
 side of a shilling, another with an inscription, a third exactly like
 the reverse side of a shilling, and the fourth with an inscription. Before
 them, the die-sinker communicated with the officers of the Mint,
 rected him to execute the prisoner's order, which he did, the pri-
 vating desired him to make the first and third before he made the
 so dies, which he did, and from these counterfeit shillings could
 be used:—Held, that A. was rightly indicted for the felony, as a prin-
 cipal. (*R. v. Bannen*, 1 Car. & K. 295.)

Abduction.

girl under sixteen, who was in service, was, as she was returning
 on an errand, asked by B. if she would go to London, as B.'s mother
 desired, and would give her 5*l.* wages. A. and B. went away
 together, to Bulston, where both were found, and B. apprehended:—
 Held, that this was not such a taking or causing to be taken of A. as
 sufficient to constitute the offence of abduction, under the 20th sect.
 of the Stat. 9 Geo. IV. c. 31:—*Seem*, that a mere fraudulent decoying or
 enticement of a girl under sixteen is not a taking or causing to be taken
 within that section. (*Reg. v. Meadows*, 1 Car. & Kir. 399.)

Justices of Oyer
and Terminer may
try offences com-
mitted at sea.

7 Geo. IV. c. 64.

Venue in indict.

and such commissions should be had under the king's gr
to the admiral or admirals, or to his or their lieutenant,
ties, and to three or four other substantial persons as sho
appointed by the lord chancellor of England for the time
to time, and as often as need should require, to hear and
offences after the common course of the laws of this realm
felonies, murders, robberies, and confederacies of the sam
mitted upon the land within this realm. And that it
provision be made for the trial of persons charged
committed, without issuing any special commission
be it enacted by the queen's most excellent majest
the advice and consent of the lords spiritual and tem
mons, in this present parliament assembled, and by
the same, That her majesty's justices of assize or othe
commissioners by whom any court shall be holden u
majesty's commissions of Oyer and Terminer or gene
shall have severally and jointly all the powers which
given to the commissioners named in any commission o
miner for the trying of offences committed within the h
admiralty of England, and that it shall be lawful for th
justices and commissioners, or any one or more of the
hear, and determine all offences alleged to have been c
high seas and other places within the jurisdiction of
England, and to deliver the gaol in every county and fra
limits of their several commissions of any person comm
soned therein for any offence alleged to have been con
high seas and other places within the jurisdiction of
England; and all indictments found, and trials and c
had, by and before the said justices and commissioner
and it shall be lawful for the court to order the payment
expences of the prosecution of such offences, in the m
by an act of the seventh year of king George the Fourth, i
for improving the Administration of Criminal Justice
the case of felonies tried in the high court of admiralty."
Sect. 2. "That in all indictments preferred before the

ing or division for which such court shall be holden.”
rovides, and declares, and enacts, “That nothing herein
hall affect the jurisdiction belonging to the Central Criminal
e trial of persons charged with offences committed on the high
er places within the jurisdiction of the admiralty of England,
n the issue of any special commission under the first-recited
rial of such offenders, if need shall be.”

Not to affect
Central Criminal
Court, or prevent
the issue of
special commis-
sions.

Aliens.

& 8 Vict. c. 66, intituled “An Act to amend the Laws relating 7 & 8 Vict. c. 66.
[6th August, 1844,] reciting that “It is expedient that the
n force affecting aliens should be amended, and that her
uld be enabled to grant to aliens the rights and capacities of
jects, under such regulations and with such restrictions and
as are hereinafter provided: and that an act of parliament was
assed in the twelfth year of the reign of his late majesty king
e Third, intituled ‘An Act for the further Limitation of the
better securing the Rights and Liberties of the Subject;’ and 12 & 13 Will. III
of parliament was made and passed in the first year of the c. 2.
s late majesty king George the First, intituled, ‘An Act to 1 Geo. I. sess. 2.
Act made in the Twelfth Year of the Reign of King William c. 4.
ntituled “An Act for the further Limitation of the Crown, and
ing the Rights and Liberties of the Subject;” and another act
nt was made and passed in the fourteenth year of the reign of
esty king George the Third, intituled, ‘An Act to prevent cer-
eniences that may happen by Bills of Naturalization,’ it is 14 Geo. III. c. 84
acted, “That such parts of the said recited acts of parliament Provisions of
sistent with the provisions of this act shall be repealed. recited acts incon-
sistent herewith
repealed.
“That so much of the said act of the first year of the reign Certain provision
orge the First as provides, that no person shall hereafter be of 1 Geo. I. c. 4,
unless in the bill exhibited for that purpose there shall be a repealed.
rticular words inserted to declare that such person shall not

Aliens to become naturalized upon obtaining certificate, taking prescribed oath, and becoming residents in the United Kingdom.

Aliens desirous of becoming naturalized to present a memorial.

Memorial to be considered by the secretary of state for the home department; who may issue a certificate.

Certificate to be enrolled in court of Chancery.

Oath to be taken.

United Kingdom.

Sect. 6. "That upon obtaining the certificate and taking the oath hereinafter prescribed every alien now residing in, or who shall hereinafter reside in, any part of Great Britain or Ireland with intent to reside therein, shall enjoy all the rights and capacities which a natural born subject of the United Kingdom can enjoy or transmit, except that he shall not be capable of becoming of her majesty's privy councillor, nor a member of either house of parliament, nor of enjoying such honours, offices, and capacities, if any, as shall be specially excepted in a certificate to be granted in manner hereinafter mentioned."

Sect. 7. "That it shall be lawful for any such alien as shall desire to be naturalized to send to one of her majesty's principal secretaries of state a memorial stating the age, profession, trade, or other occupation of the alien, the duration of his residence in Great Britain or Ireland, and the grounds on which he seeks to obtain any of the rights and capacities of a natural born British subject, and praying the said secretary of state to grant to the memorialist the certificate hereinafter mentioned."

Sect. 8. "That every such memorial shall be considered by the secretary of state, who shall inquire into the circumstances thereof, and receive all such evidence as shall be offered, by affidavit or otherwise, as he may deem necessary or proper for proving the truth of the statements contained in such memorial; and that the said secretary of state, if he shall so think fit, may issue a certificate, reciting such of the contents of the memorial as he shall consider to be true and material, and granting to the memorialist (upon his taking the oath hereinafter prescribed) all the rights and capacities of a natural born British subject, except that of being a member of the privy council or a member of either house of parliament, and except the rights and capacities (if any) specially excepted in and by such certificate."

Sect. 9. "That such certificate shall be enrolled for record in her majesty's high court of Chancery, and may be copied, and copies thereof taken, under such regulations as the lord chancellor shall direct."

Sect. 10. "That, within sixty days from the day of the granting of such certificate, every memorialist to whom rights and capacities shall be granted by such certificate, shall take the oath hereinafter prescribed."

administered.

That the several proceedings hereby authorized to be taken for such certificate as aforesaid shall be regulated in such manner as the secretary of state shall from time to time direct."

Proceedings for obtaining certificate.

"That the fees payable in respect of the several proceedings aforesaid shall be fixed and regulated by the commissioners of the Treasury."

Amount of fees to be payable.

That all persons who shall have been naturalized before the passing of this act, and who shall have resided in the United Kingdom for five successive years, shall be deemed entitled to and shall enjoy the same rights and capacities of British subjects as may be conferred on persons naturalized by the provisions of this act."

Naturalized persons resident five years to enjoy rights as aliens.

Provided always, and be it enacted, That nothing in this act shall be construed to prejudice, any rights or interests in property, whether vested or contingent, under any will, deed, or agreement, executed by any natural born subject of Great Britain and Ireland, or the passing of this act, or under any descent or representation, under any such natural born subject who shall have died before the passing of this act."

Act not to affect pre-existing rights.

"That nothing herein contained shall be construed so as to diminish any right, privilege, or capacity heretofore lawfully enjoyed by or belonging to aliens residing in Great Britain or Ireland, or to the possession or enjoyment of any real or personal property, but that all such rights shall continue to be enjoyed by such persons in full and ample manner as such rights were enjoyed before the passing of this act."

Act not to take away rights of aliens.

"That any woman married or who shall be married to a natural born subject or person naturalized shall be deemed and taken to be a natural born subject, and have all the rights and privileges of a natural born subject."

Women married to natural born subjects deemed naturalized.

Amendment.

indictment has been preferred at the Central Criminal Court, and by certiorari into the Queen's Bench Court, and set down for trial.

Amendment.

A notice, and statement of grounds of appeal, purporting to be signed by one churchwarden and two overseers; one of those, however, being the same person who had signed as clerk. Held, that the respondents could not set up as an objection to the appeal, the irregularity in the appointment of the appellants, that parish being bound by the notice. *Inhabitants of Leominster*, 13 *Law J., N.S., M. C.* 54.)

If, upon an objection to the examination, or grounds of appeal, they are not sufficiently particular to enable the parties to enter into their case, the justices consider the matter so doubtful as to require a case upon the point, they should, nevertheless, proceed to examine the evidence, and decide upon the appeal, subject to a case being made. It is no doubt that the objection is a valid one, and that the party cannot be admitted to prove his examination. If, however, the grounds of appeal (whichever it may be) no case should be made. *Justices of Kesteven*, 13 *Law J., N.S., Mag. Cas.* 78.)

Upon receipt of notice and grounds of appeal, the respondents made an order of superseas, which they served upon the appellants. The appellants afterwards tendered two guineas for costs, which the respondents refused to accept. The appellants went to the sessions, and applied for an order of appeal, in order to get their costs, but the court refused to make the order. A rule nisi having been obtained for a *mandamus* to the respondents to make the order, the affidavits in opposition stated a standing order of quarter sessions, by which it was ordered that the sum of two guineas and for costs and expenses, should be allowed in appeals from the removal tried in the said court, to either party:—Held, that the appellants were entitled to have had their appeal entered, and that the costs should be considered, notwithstanding the absence of the respondents. *v. the Justices of Merionethshire: Llangar v. Dyncio*, 13 *M. C.* 114).

Though the statute 8 & 9 Will. III. c. 30, s. 3, empowers the court to order the payment of costs by parties who have appealed, yet where notice of appeal against an order of removal has been given, and the appeal was afterwards countermanded, and the

ay be so bound as apprentices; and every master of such
 who wilfully refuses or neglects to perform any of such terms
 as so inserted in any such indenture shall be liable, upon con-
 viction before any two justices, to forfeit any sum not exceeding
 that after the first day of October next no poor child shall be
 sent to the overseers of any parish included in any such
 subject to a board of guardians under the provisions of the first-
 but it shall be lawful for the guardians of such union or
 actively to bind any such poor child to be an apprentice, and
 the indentures of apprenticeship shall be executed by the
 magistrates, and shall not need to be allowed, assented to, or executed
 by any two justices of the peace, and the guardians shall have all
 the power for binding or assigning any such apprentice which are now
 exercised by the overseers, and shall cause all apprentices so bound or
 assigned to be registered by their clerk according to the form
 by the statute of the forty-second year of the reign of king
 William the Third relating to the registration of parish apprentices, so far
 as may be applicable to such binding or assignment: Provided
 that nothing herein contained shall directly or indirectly interfere
 with the provisions of any act of parliament relating to apprentices to be
 sent to sea service."

"That after the passing of this act so much of an act passed
 in the third year of the reign of Elizabeth, intituled 'An Act for the
 better Relief of the Poor,' and so much of an act passed in the session held in
 the fourth and ninth years of the reign of king William the Third, inti-
 titled 'An Act for supplying some defects in the Laws for the Relief of
 the Poor in this Kingdom,' or of any other act of parliament, whether
 local, as compels any person to receive any poor child as an
 apprentice, shall be and is hereby repealed."

neglecting to fulfil
 them liable to
 penalty.

Guardians to bind
 poor children ap-
 prentices instead
 of overseers.

Compulsory
 apprenticeship
 abolished.

Repeal of 43 Eliz
 c. 2.

8 & 9 Will. III.
 c. 3.

Art Unions.

& 8 Vict. c. 109, intituled "An Act to indemnify Persons 7 & 8 Vict. c. 109

Art Unions, and the members thereof, and other persons, discharged from all suits, &c. to which they might be liable touching the purchase or distribution of works of art by chance previous to the periods herein mentioned.

penalties to which they may have rendered themselves; they may become liable, by reason of any such thing as aforesaid; it is enacted, "That all such Art Unions, and tributors, subscribers, distributors, or officers thereof, as for them or on their behalf, and all other persons acting of works of art as aforesaid, or persons acting under their behalf, shall, so far as relates to persons other than said Art Unions, or persons acting on their behalf, be discharged from all suits, prosecutions, liabilities, pains, and penalties they may be liable as being concerned in lotteries, lawful games, for any thing done or which may be done by them herebefore or before the first day of October next, passing of this act; and as to all other persons being said Art Unions as aforesaid, they shall be discharged from all suits and prosecutions, liabilities, pains, and penalties they might be liable as being concerned in lotteries, lawful games, for any thing done or which may be done by them herebefore or before the 31st day of July next, touching any such pictures or other works of art, or the sale or distribution by chance or lot."

Assault.

Assault.

A., at C. fair, came up to B., the prosecutor's father, to him) and gave him eleven sovereigns to buy him a pair of shoes, and put them into his pocket. B. refused to give the eleven so A. and the prisoner, who was in his company, assaulted B. and did not get the money from him. On the next day the prisoner got the eleven sovereigns; and at L. fair, on a subsequent day, having seen the prosecutor receive seven sovereigns, the prisoner took eleven sovereigns of him, and then knocked him down and took the seven sovereigns out of his pocket:—Held, that this was a claim of right, that this was not an assault. Held, also, that the intent to rob being negatived.

petty sessions, under section 3, that he is desirous that the case should be heard and determined at the quarter sessions, after some evidence has been examined, and the case has been partly heard, by the justices in the presence of the person charged. (*R. v. Oxley, Justices of the Peace, N. R.* 13 *Law J., N. S., M. C.* 115.)

An order in bastardy, made in petty sessions, to reimburse, and for maintenance, was dated the 2nd of February, 1844. It recited the application of the churchwardens and overseers of the township of Ripon, and that "it appeared that a male bastard child had been born of the body of, &c., at, &c., on the 27th day of February last, and that it appeared upon the evidence, &c., that J. B., of, &c., was the father," and ordered, that J. B. "should forthwith pay, or cause to be paid, to the said churchwardens and overseers of the poor of the township of Ripon, the sum of 9s. 4d., to reimburse the said township the expense incurred in the maintenance and support of the said child, from the time of its birth as aforesaid, to the time of the making of this order."—It was held, that the order to pay the 9s. 4d. was valid, although it was made for a time exceeding six calendar months next after the hearing of the application, contrary to section 73 of the Act. Affidavits were tendered, to show that the order for payment was not made, as there were no churchwardens for the township of Ripon. The affidavits could be received, as they did not go to oust the jurisdiction—*Quære*: but held, *per Patteson, J.* and *Wilkes, J.* (*Denman, C. J., dubitante*), that the order was sufficient, although there were no churchwardens for the township. (*Reg. v. Oxley, Justices of Yorkshire (N. R.)*, 13 *Law J., N. S., M. C.*,

7 & 8 Vict. c. 101, intituled "An Act for the further Amendment of the Law relating to the Poor, &c."

FOR ITS MAINTENANCE, MAKE APPLICATION TO ANY ONE JUSTICE SING FOR THE PETTY SESSIONAL DIVISION OF THE COUNTY, OR FOR THE PLACE IN WHICH SHE MAY RESIDE, FOR A SUMMONS TO BE SERVED ALLEGED BY HER TO BE THE FATHER OF SUCH CHILD; AND IF SHE MADE BEFORE THE BIRTH OF THE CHILD THE WOMAN SHALL MAKE UPON OATH STATING WHO IS THE FATHER OF SUCH CHILD, AND THE JUSTICE OF THE PEACE SHALL THEREUPON ISSUE HIS SUMMONS TO THE PERSON ALLEGED OF SUCH CHILD TO APPEAR AT A PETTY SESSION TO BE HELDEN AFTER SIX DAYS AT LEAST FOR THE PETTY SESSIONAL DIVISION, CITY, OR PLACE IN WHICH SUCH JUSTICE USUALLY ACTS."

Justices in petty session may make an order on putative father for maintenance and costs, and enforce same by distress and commitment.

SECT. 3. "That after the birth of such bastard child, or of the person so summoned, or on proof that the summons served on such person, or left at his last place of abode before the petty sessions, the justices in such petty session shall receive evidence of such woman, and such other evidence as shall be tendered by or on behalf of the person so summoned, and shall also hear any evidence tendered by or on behalf of the person so summoned, and if the evidence of the mother in some material particular by other testimony, to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to the circumstances of the case, proceed to make an order on the person so summoned for the payment to the mother of the bastard child, or to the person appointed to have the custody of such child under this act, of a sum of money weekly, and of such costs as may have been incurred in the obtaining of such order, including the costs of the proper, 10s. for the midwife, and 10s. towards the funeral of such child, provided it have died before the making of such order; and if application be made before the birth of the child, or within six months after the birth of the child, such weekly sum may be calculated from the birth of the child, and may not exceed 5s. per week for the first six weeks after the birth, and in other cases such sum shall not exceed 2s. 6d. per week from the time of the making of the application; and if at any time after the expiration of one calendar month from the making of such order it be made to appear to any one justice, upon oath or affidavit, that the person so summoned has failed to comply with the order, the justice may cause the same to be enforced by distress and commitment."

be employed to convey him thither, be sooner paid and satisfied always, that if the woman have allowed the weekly payment for more than thirteen successive weeks, without application, the man shall not be called upon to pay more than the sum for thirteen weeks in discharge of the whole debt, and no writ shall be issued for more than the amount of arrears due at the time of the last payment in discharge of the whole arrears or debt."

That the justices in petty session as aforesaid may adjourn the case as often as to them may seem fit; but no such application shall be made unless applied for at such petty sessions within the next fourteen days from the service of the summons after the birth of the child on the person alleged to be the father of such bastard child within twenty-four hours after the adjudication or making of the order for the putative father as aforesaid, such putative father give sufficient security, by recognizance or otherwise, for the payment, to the satisfaction of some one justice of the peace, it shall be lawful for such putative father to appeal to the general quarter sessions to be holden after the period of fourteen days next after the said order for the county, city, borough, or place for which the session may have been held; and the justices in such quarter sessions assembled, or the recorder, as the case may be, shall thereupon determine such appeal, and shall order such costs to be paid by the appellant as to them or him may seem fit."

That all money payable under any order as aforesaid shall be payable to the mother of the bastard child in respect of such sum as long as she lives and is of sound mind, and is not in any prison, or under sentence of transportation; and after the death of such mother, or whilst such mother is of unsound mind, or confined in any gaol or prison, or under sentence of transportation, the justices may, if they see fit, by order under their hands and seals, from time to time appoint some person who, with his own consent, shall have the custody of such bastard child, so long as such bastard child shall be capable of being placed in any parish or union, and any two such justices may appoint or remove such person, and may appoint another person

Applications to be made within forty days.

Appeal to quarter sessions for putative father.

Money under the order to be paid to the mother or to a person appointed by the justices.

Bastards.

7 & 8 Vict. c. 101.

Mother punishable for neglect or desertion of her bastard child.

Officers of parishes or unions not to receive money under the order, or to interfere in any respect.

Proceedings against putative father in case of death or incapacity of mother.

Penalties for promoting marriage of a mother of a bastard improperly misapplying monies, or maltreating a bastard child.

Existing orders, &c. not to be affected.

Orders made before 14th of August, 1834, to cease on 1st January, 1849.

Orders made by justices acting in two adjoining counties to be valid, although not made in the county in which the parish is situate.

except for the purpose of recovering money previously due in order, be of any force or validity after the child in respect of whom made has attained the age of thirteen years, or after the marriage of such child, or after the death of such child."

Sect. 6 declares and enacts, "That every woman neglecting to maintain her bastard child, being able wholly or in part so to do, who child becomes chargeable to any parish or union, shall be punished as an idle or disorderly person, under the provisions of the 5 Geo. 4. and every woman so neglecting to maintain her bastard child, who has been once before convicted of such offence, and every woman neglecting to maintain her bastard child, whereby such bastard child becomes chargeable to any parish or union, shall be punishable as a rogue and vagabond, under the provisions of the said last-recited act." (See "*Vagrants*," Vol. I.)

Sect. 7. "That it shall not be lawful for any justice of the peace to appoint any officer of any parish or union to have the custody of any bastard child as hereinbefore provided, or for any officer of any parish or union, clerk of justices, or constable, to receive any money in respect of any bastard child under an order of petty session as aforesaid, or for any officer to conduct any application to make or enforce such order, or for any officer to interfere as such officer in causing such application to be made, or in procuring evidence in support of such application, under a penalty of 40s., to be levied on conviction before any two justices as per the provisions of the said first-recited act: Provided always, that in the case of the death of such mother, or if such mother be incapacitated as to be unable to maintain any bastard child for whose maintenance such order or application has been made, becomes chargeable to any parish or union, the neglect of the putative father to make the payments due under such order, or the neglect of justices, then and in such case it shall be lawful for any board of guardians of an union or parish, if there be no such board of guardians, for the overseers of any parish or place, to make such application for the enforcement of the order as might have been made by the mother, or by the bastard child if alive; but all payments for the maintenance of such child made in pursuance of such application shall be made to some person or persons to be from time to time appointed by the justices as hereinbefore provided, and on condition that such bastard child shall cease to be chargeable to such parish or union."

Sect. 8. "That if any officer of a union, parish, or place endeavour to induce any person to contract a marriage by threat or promise, or to make any application to be made or any order to be enforced with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanour; and every person having the custody of any bastard child under any order of justices, as hereinbefore provided, who makes any monies paid by the putative father for the support of such child, or who withhold proper nourishment from such child, or otherwise maltreat such child, shall, on conviction before any two justices, be liable to be imprisoned for any term not exceeding 10 weeks, and pay a sum not exceeding 10*l*."

Sect. 9. "That nothing in this act contained shall affect the validity of any orders for the maintenance of a bastard child made by quarter or petty sessions before the passing of this act; but any order made before the 14th day of August, 1834, shall be in force until the 1st day of January, 1849, and that all proceedings actually commenced before justices in quarter sessions or petty sessions at the time of the passing of this act may be continued, and orders made thereunder may be made in the same manner as if this act had not been passed."

Sect. 10. "And whereas various unions established under the provisions of the said recited act are situate partly in one county, riding, or division, and partly in an adjoining county, riding, or division: and doubts have been entertained whether any justice of the peace acting under two commissions for different counties, ridings, or divisions, is legally qualified to make orders in bastardy when acting in petty sessions within the limits of one of such commissions, for such parts of such union as are situate within the limits of such commission, the following provisions shall be in force, to wit: That any justice of the peace acting under two commissions for different counties, ridings, or divisions, shall be legally qualified to make orders in bastardy when acting in petty sessions within the limits of one of such commissions, for such parts of such union as are situate within the limits of such commission."

SCHEDULE (A) to the foregoing Act.

County
Division

Father and £.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all cases in which orders are made.
			[Here state if the summons was never served, or if the alleged father absconded, or the complaint was abandoned or heard, and the order refused, or, if made the amount of the order.]	

I certify the above List to be correct in all Particulars.
(Signed) A.B., Clerk to the Justices.

the putative father of a bastard child, being served with a notice
plication at petty sessions for an order on him to reimburse the
is for the maintenance and support of the child, attended at the
, and procured an adjournment of the case; and afterwards, at
sequent petty sessions, applied to have the case heard at the
VI. 2 K

By the 7 & 8 Vict. c. 101, the expences of boundaries to be paid out of the poor-rates.

Bowls.

See Addenda to, title "Gaming," page

Bridges.

UPON an indictment against the inhabitants of a township with the repair of a bridge, by a prescriptive liability of an inhabitant of the township is admissible in every township, on the ground that he is a party to the record, not a rated inhabitant.

The indictment stated, that from time whereof, &c. and still is, a certain common and public bridge, &c. (that one part of the said bridge lies in the township of A. for repair, and that the inhabitants of the township of A. for &c., have repaired, and have been used and accustomed to the said part of the bridge in the township of A.

It appeared in evidence that the part of the bridge in A. consisted of part of the centre arch of the bridge, and arches, and that about the year 1806, the township of A. part of the centre arch which was in A. about six feet fifteen feet in width, instead of nine. The other arches unaltered:—It was held, that the indictment, charging liability to repair the bridge, was sufficient, as at all events still remained liable for the ancient part. (*Reg. v. The Township of Addersbury East*, 13 *Law J., N. S., Mag.*

Semble, per Lord Denman, C. J., and Patteson, J., &c.

Butter and Cheese.

7 & 8 Vict. c. 48, intituled "An Act to repeal certain Acts for the Trade in Butter and Cheese," [29th July, 1844,] reciting that it is expedient that those acts should be repealed, except after is expressed: it is therefore enacted, "That the hereinbefore acts shall be repealed, but not so as to revive any act or any part repealed by any of the acts hereby repealed."

Certiorari.

At a court of quarter sessions having confirmed an order of removal, in a case, a notice of the intention of the appellant parish to apply for certiorari, was addressed to "J. S., esq., and T. H. M., esq., two of her Majesty's justices and keepers of the peace," for the West Riding of Yorkshire; and the affidavit of service of such notice stated, that the deponent served "J. S., esq., and T. H. M., esq., two of her Majesty's justices of the peace" for the West Riding:—Held, that the affidavit was insufficient, by reason of its not stating that the justices so named were two of the justices before whom the order of sessions was made:—the rule for quashing the certiorari was made absolute; the rule being already set down for argument in the crown paper. See *Inhabitants of Cartworth*, 13 Law J., N. S., Mag. Cas. 26.)
If certiorari having been quashed, on the ground that the affidavit which it had issued did not show that the two magistrates upon whom the writ had been served were present at the sessions, the order of removal is not removed:—Held, that more than six months having elapsed since the making of the order, a fresh writ could not be issued, by reason of the Statute 13 Geo. II. c. 18, s. 5. (— v. —, — v. —, 13 Law J., N. S., Mag. Cas. 28.)

Children.

dum of the child, no matter how little, this is sufficient to penetration, and the jury ought to convict the prisoner of the offence. (*Reg. v. Lines*, 1 Car. & Kir. 393; and see *R. v. Hug* P. 752; *R. v. Stanton*, 1 Car. & K. 415.)

Churchwardens.

6 & 7 Vict. c. 37.
Churchwardens
to be chosen for
new parishes
under 6 & 7 Vict.
c. 37.

By the 6 & 7 Vict. c. 37, "An Act to make better Provision for the Spiritual Care of Parishes," s. 17, it is enacted, "That in every district so becoming a new parish two fit and proper persons, members of the united church of England and Ireland, within twenty-one days from the consecration of the church thereof, shall be chosen churchwardens for such new parish, one being chosen by the curate thereof, and the other by the inhabitants, residing in the district, having a similar qualification to that which would entitle him to vote at the election of churchwardens for the principal parish or the majority of such inhabitants, and such election shall be held at a meeting to be summoned in such manner in all respects as the perpetual curate shall direct; and such persons shall continue churchwardens until the next usual period of appointing parish officers, or their appointment: and at the like time in every year two persons shall thenceforward be chosen by the perpetual curate for the district, and inhabitants assembled as aforesaid; and every person so chosen shall be duly admitted, and shall do all things pertaining to the office of churchwarden as to ecclesiastical matters in the said district. Provided always, that nothing herein contained shall render the churchwardens liable or competent to perform the duties of a curate, or the poor in respect of such their office of churchwardens."

Query,—whether churchwardens are overseers within the meaning of s. 36, as to the prosecution of disorderly houses, see "*Disorderly Houses*" (*Burgess v. Boctefeur*, 13 Law J., N. S., Mag. Cas. 122.)

Clergymen and Parish Clerks.

7 & 8 Vict. c. 59.

Lecturers or
preachers may be
required to per-
form other cler-
ical duties in cer-
tain cases.

By the 7 & 8 Vict. c. 59, "An Act for better regulating the Duties of Lecturers and Parish Clerks," [29th July, 1844,] reciting that in certain districts, parishes, and places there now are or hereafter may be appointed lecturers or preachers in the holy orders of deacon or priest, who are authorized to preach lectures or sermons only, without the obligation of performing other clerical or ministerial duties: and that it is expedient that such lecturers or preachers should be authorized and enabled to perform other clerical and ministerial duties, and to act, if necessary, as assistant curates, in such districts, parishes, or places; it is enacted, "That from and after the passing of this act it shall be lawful for the bishop of the diocese wherein any such lecturer or preacher is so elected or appointed as aforesaid, if he shall think fit, with the consent of the incumbent of every such district, parish, or place, to issue a writing under his hand and seal, any such lecturer or preacher to take and perform such other clerical or ministerial duties as the curate or otherwise, within such district, parish, or place, shall require, and also to vary from time to time, if necessary, and with the consent of the particular duties so required to be performed as aforesaid, in any case such lecturer or preacher shall at any time refuse or neglect to perform such additional duties, and to act in conformity with the requirements by the said bishop as aforesaid, it shall be lawful for the said bishop to summon the said lecturer or preacher to appear before him, and to show cause why he should not be required to perform such additional duties."

of and belonging to the said office, and shall also be liable in of, so long as he shall hold the same, to perform all such ecclesiastical duties within such district, parish, or place as r or other incumbent, with the sanction of the bishop of the from time to time require; but such person in holy orders or elected as aforesaid shall not by reason of such appointment have or acquire any freehold or absolute right to or s said office of church clerk, chapel clerk, or parish clerk, or f the profits or emoluments thereof, but every such person e so appointed or elected as aforesaid shall at all times be suspended or removed from the said office, in the same y the same authority, and for such or the like causes, as y any stipendiary curate may be lawfully suspended or re- suspension or removal nevertheless being subject to the of appeal to the archbishop of the province to which any urate is or may be entitled."

vides and enacts, "That every such appointment or election aid, if made by any other person or persons than the rector mbent of such district, parish, or place, shall be subject to und approval of such rector or other incumbent of such dis- or place: and that no person in holy orders so appointed or resaid shall be competent to perform any of the duties of , or any other spiritual or ecclesiastical duties, within such sh or place, or to receive or take any of the profits or of his said office, unless and until he shall have duly ob- he bishop of the diocese within which such district, parish, ituate such licence and authority in that behalf as are re-

Such person to be licensed by the bishop, and when appointed otherwise than by the bishop to be subject to the approval of the incumbent.

Power to suspend or remove church clerics not in holy orders who may be guilty of neglect or misbehaviour.

Power to suspend or remove church clerics not in holy orders who may be guilty of neglect or misbehaviour.

Sect. 5. "That if at any time it shall appear, otherwise, to any archdeacon or other ordinary that holy orders, holding or exercising the office of church clerk, or parish clerk in any district, parish, or place subject to his jurisdiction, has been guilty of any wilful misbehaviour in his said office, or that by reason of he is an unfit and improper person to hold or exercise the same, it shall be lawful for such archdeacon or other ordinary forthwith to cause such church clerk, chapel clerk, or parish clerk to appear before him, also by writing under his hand, or by such process as he shall think fit, in any of the courts ecclesiastical for procuring the attendance of witnesses, to call before him all such persons as may be able to give evidence or information respecting any of the matters so charged against such church clerk, chapel clerk, or parish clerk; and such archdeacon or other ordinary shall cause to be taken the oath, to be by him administered in due form, of the persons so appearing or attending before him respecting the matters aforesaid, and shall and may thereupon ascertain and determine the truth of the matters so imputed to such church clerk, chapel clerk, or parish clerk; and upon such investigation it shall appear to the satisfaction of such archdeacon or other ordinary that the matters so imputed are true against such church clerk, chapel clerk, or parish clerk,

rs shall and they are hereby required promptly and effect-
bey and execute such warrant, according to the exigency
l thereupon it shall be lawful for them also to levy, upon the
hannels of the person so by them expelled and removed as
as necessary costs and expences of executing such warrant,
whereof, in case the same shall be disputed, shall be forth-
and determined by the said justice of the peace by whom
rrant was so issued as aforesaid, or by any other justice of
siding in or near to the said district, parish, or place, whose
reupon shall be final, and who is hereby authorized to make
n that behalf as to him shall seem reasonable."

Clerk of the Parish.

See "Clergymen," ante, Addenda.

Clerk of Peace.

& 6 Vict. c. 87, s. 29, the clerk of the peace is to receive such
n for his trouble in carrying into effect the provisions of the
ting to private lunatic asylums as allowed by justices in ses-
"Lunatics," Vol. III.
ties of, as to bastards, &c., ante, "Bastards."

bad. (*N. v. Reynolds*, 13 *Law J., N. S., M. C.* 65.)

A commitment, under the statute 11 Geo. II. c. 19. removal of goods, omitted to state a complaint, in w
lord, his bailiff, agent, or servant. The order of adj
defendant to have been duly charged, in writing, bel
The court held the commitment to be bad. (*Ex part*
N. S., Mag. Cas. 141.)

Where an act of parliament gives a magistrate a
ment, without a previous conviction, it should appear
warrant of commitment, that the charge was heard and
in the presence of the prisoner. The court will not in
tion to support a bad commitment. (*Re Torduff*, 13 *J*
135.)

Where an act of parliament authorizes magistral
good warrant of commitment be shown, the court w
the validity of a previous document under which a
committed; since a conviction, if such were necessary
any time drawn up to sustain a commitment valid in
& others, 13 *Law J., N. S., M. C.* 147.)

Conspiracy.

THE public, who go to a theatre, have a right to ex
unbiased opinions of the merits of the performers
stage; but parties have no right to go to a theatre
plan, to make such a noise that an actor, without
formed of his performance, should be driven from the
persons are shown to have laid a preconcerted plan
who comes out as an actor of the benefits which he
from his appearance on the stage, they are liable in
conspiracy. (*Gregory v. Duke of Brunswick*, 1 *Car. & K.*

Coroner.

to stay proceedings on three out of four inquisitions where all treated, was refused. (*Reg. v. Eastern Counties Railway* Dowl., N. S., 293.)

Vict. c. 12, intituled "An Act for the more convenient holding of Coroners Inquests," [11th April, 1843,] reciting that it often

it is unknown where persons lying dead have come by their

also that such persons may die in other places than those in

cause of death happened: it is enacted "That the coroner

whose jurisdiction the body of any person upon whose death

ought to be holden shall be lying dead shall hold the inquest,

saying that the cause of death did not arise within the jurisdic-

coroner; and in the case of any body found dead in the sea,

lake, river, or navigable canal within the flowing of the sea,

shall be no deputy-coroner for the jurisdiction of the admiralty

the inquest shall be holden only by the coroner having jurisdic-

the place where the body shall be first brought to land."

2, "That for the purpose of holding coroners inquests every

part of a county, riding, or division shall be deemed to be within

county, riding, or division by which it is wholly surrounded, or,

partly surrounded by two or more counties, ridings, or divi-

on that one with which it has the longest common boundary."

3, it is declared and enacted, "That if a verdict of murder or

murder, or as accessory before the fact to any murder, shall be

by a jury at any such inquest, against any person or persons,

holding the said inquest, and the justices of Oyer and Ter-

gaol delivery for the county, city, district, or place in which

it shall be holden, and all other persons, shall have the same

respectively for the commitment, trial, and execution of the sen-

ence person or persons so charged as they now by law possess

with respect to the commitment, trial, and execution of the sentence upon

or persons committed and tried within the jurisdiction where

appended."

4, it is declared and enacted, "That if a verdict of accidental

be found by the jury at any such inquest, the coroner and

the sheriff and court of Exchequer, and all other persons

shall have the same powers respectively with regard to the

Vict. c. 12.

Coroner only within whose jurisdiction the body is lying dead shall hold the inquest.

Provision for detached parts of counties.

Parties may be tried on verdicts of murder or manslaughter.

Deodands may be levied on verdicts

Coroner.

Petition for division of counties.

Sect. 2. "That when and as often as it shall seem expedient for the said justices, in general or quarter session assembled, that a petition shall be presented to her majesty, praying that a division or alteration be made, and thereupon to adjourn the further consideration of such petition until notice thereof shall be given to the coroners of such county as hereinafter provided."

Preparation of petition.

Sect. 3. "That the clerk of the peace shall give notice of the resolution to every coroner for such county, and of the time when the petition will be taken by the said justices into consideration. The justices shall confer with every such coroner, who shall attend the sitting of the justices for that purpose, touching such petition, and regard to the size and nature of each proposed district, the number of inhabitants, the nature of their employments, and such other circumstances as shall appear to the justices fit to be considered in carrying into effect the provisions of this act; and such petition, with a declaration of the several proposed districts, and of the boundaries thereof, and the reasons upon which the petition is founded, shall be certified under the hands and seals of two or more of the justices of the peace when such petition shall be agreed to, and the clerk of the peace for such county shall forthwith give or send a true copy of such petition under his hand, to every coroner for such county."

Division of the county into districts.

Sect. 4. "That it shall be lawful for her majesty, if she shall think fit with the advice of her privy council, after taking into consideration such petition, and also any petition which may be presented to the coroner of the same county concerning such proposed division, or whenever it shall seem fit to her majesty to direct the writ *de coronatore eligendo*, for the purpose of authorizing the appointment of an additional coroner above the number of those who have before customarily elected in such county, to order that such county shall be divided into such and so many districts, for the purposes as to her majesty, with the advice aforesaid, shall seem expedient. And she shall give a name to each of such districts, and to determine at what time within each district the court for the election of coroner for such county shall be holden as hereinafter provided, and every such order shall be published in the *London Gazette*."

Districts to be assigned to coroners.

Sect. 5. "That the justices in general or quarter session shall assign one of such districts to each of the persons who shall hold the office of coroner in such county, and upon the death, resignation, or removal of any such person each of his successors, and any other person thereafter elected into the office of coroner for such county, shall be elected to and shall exercise the office of coroner for such county according to the provisions of this act, and shall reside within the district for which he shall be so elected, or in some place wholly or partly surrounded by such district, or not more than two miles beyond the boundary of such district."

Provision for coroners already acting in districts.

Sect. 6. "That whenever it shall appear to her majesty, with the advice aforesaid, and shall be set forth in the said order in council, that in any such county has been customarily divided into districts for the purpose of holding inquests during the space of seven years last past the passing of this act, and it shall seem expedient to her majesty, with the advice aforesaid, that the same division of the county be made as was made before the passing of this act, each of such districts shall be assigned to the coroner who was acting in and for the same district before the passing of this act; but if it shall appear expedient to her majesty, with the advice aforesaid, that a new division of such county be made, and any such coroner shall present a petition to her majesty, praying for compensation to him for his emoluments arising out of such change, it shall be lawful for her majesty, with the advice aforesaid, to order the lord high treasurer and commissioners of her majesty's treasury to assess the amount of

writ *de coronatore eligendo* ; and in case the said election be terminated upon the view, with the consent of the electors it, but that a poll shall be demanded for determination by the said sheriff, or in his absence his under sheriff, shall cause the same court to eight of the clock in the forenoon of the next day, unless such next day but one shall be Saturday or Sunday, the Monday following; and the said sheriff, or in his absence his under sheriff, with such others as shall be deputed by him shall then proceed to take the said poll in some public place or places by the said sheriff, or his under sheriff as aforesaid in his absence, or others for the taking thereof as aforesaid: and such polling shall continue for two days only, for eight hours in each day; and no poll shall be open later than four of the clock in the afternoon of either day."

If election not determined on the view, then to proceed to take a poll.

Duration of poll.

"That for more conveniently taking the poll at all elections under the authority of this act, the poll for the election of the coroner for each district shall be taken at the place to be appointed for the taking of the poll for such election, and at such other places within the district as may for the time being be appointed by the quarter sessions."

Places for taking the poll at elections for coroners.

"That at every contested election of coroner for any district or county, the sheriff, under sheriff, or sheriff's deputy shall, if required by or on the behalf of any candidate on the day fixed for the election, if not so required, may, if it shall appear to him expedient, cause booths to be erected for taking the poll at the court or place of election, and also at each of the polling places within the district."

Sheriff may erect polling booths for taking the poll at.

appointed and sworn.

Inspector of poll clerk.

Electors to be sworn.

Oath.

Punishment for perjury.

poll, be it enacted, That the said sheriff, or in his absence, the said under sheriff, or such as he shall depute, shall appoint such persons as to him shall seem meet and convenient for the taking of the poll, and the said clerk shall take the said poll in the presence of the said under sheriff, or such as he shall depute; and before the said poll every clerk so appointed shall by the said under sheriff, or such as he shall depute as aforesaid, be sworn, or otherwise induced, to take the same poll, and to set down the name of every elector, and the place of his residence, and for whom he shall vote, and to poll no elector who is not sworn, if required to be so sworn by either of them; and which oaths of the said under sheriff or his under sheriff, or such as he shall depute, shall be administered; and the sheriff, or in his absence his under sheriff, or such as he shall depute as aforesaid, shall appoint for each candidate such one or more persons as he shall think fit to be inspectors of the poll; and every elector admitted to poll at the same election, shall, if required by any candidate, first take the oath hereinafter mentioned, by the said sheriff, by himself or his under sheriff, or by such person as he shall appoint for taking the said poll as aforesaid, and to administer; (that is to say,)

I swear [or being one of the people called Quakers, or make affirmation, solemnly affirm], that I am a freehold and have a freehold estate, consisting of within the said county; and that such freehold estate has me fraudulently or colourably on purpose to qualify me to election; and that the place of my abode is at [consisting of more streets or places than one, specifying which]; that I am twenty-one years of age, as I believe; and that I polled at this election [adding, except in cases of solemn affirmation, &c.]

Sect. 14. "That every elector or other person who falsely take the said oath or affirmation hereby appointed, the electors as aforesaid shall for every such offence be liable to the punishment of imprisonment for any term not exceeding six months, or to a fine not exceeding five pounds, or to both such imprisonment and fine, at the discretion of the court before which he shall be brought."

session of the peace shall be copied, and the same shall be estreated, and applied in like manner, and subject to the like powers, profits, and penalties in all respects, as if such fine or fines had been the fines imposed at such quarter session: Provided always, that **Proviso.** nothing herein contained shall be construed to affect any power now by law vested in the coroner for compelling any person to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing and giving evidence, or otherwise."

Act 18. That from and after the passing of this act, in all cases in which any person shall be charged by any coroner's inquisition with the commission of any crime, and shall be subsequently put upon his trial, either on such inquisition, or in pursuance of any bill of indictment found for the same, the coroner before whom such inquisition shall have been found shall be wholly incompetent to act as an attorney in the prosecution or defence of such person for such crime, either by himself or by another (directly or indirectly); and that in all cases in which it shall appear to the judge before whom such person shall be tried that any coroner shall have so acted contrary to the provision and intention of this act, such judge shall impose upon every coroner so offending such penalty, not exceeding 50*l.*, as the said judge shall in his discretion think fit."

Act 19. "That every coroner elected under the authority of this act, although such coroner may be designated as the coroner for any particular district of a county, and may be elected by the electors of such district, shall nevertheless, in all cases, be considered as coroner for the whole county, and may, in all cases, be considered as coroner for the whole county, except, &c."

Coroner.

7 & 8 Vict. c. 92.

Present and future coroners (except during illness, &c. of coroner for another district, or in case of vacancy in the office,) to hold inquests only within the district to which they shall have been assigned or elected.

Coroners to be paid travelling expenses where an inquisition shall not be taken.

Coroners to be paid when they act for sheriffs.

Coroners for detached places to continue to hold inquests.

6 & 7 Vict. c. 12.

whatsoever, except as hereinafter mentioned, be considered for the whole county, and shall have the same jurisdiction, rights and authorities throughout the said county as if he had been one of the coroners of the said county by the freeholders of the county at large."

Sect. 20. "That, except as aforesaid, every coroner for any district thereof, or his deputy, after he shall, in pursuance of the provisions of this act, have been assigned to or elected by the freeholders of the particular district, shall, except during illness or incapacity or absence as aforesaid of any coroner for any other district, hold an inquest in the office of coroner for any other district, hold an inquest within the district to or for which he shall have been assigned or elected. Provided always, that the coroner who shall, by himself or by his deputy, hold any inquest in any other district, save that to which he shall have been assigned or elected as aforesaid, shall, in his inquisition to be taken at such inquest, certify the cause of his attendance and his absence from such inquest; which certificate shall be conclusive evidence of his incapacity or unavoidable absence as aforesaid of the coroner, and he shall so attend, or of there being a vacancy in the office of coroner for the district in which such inquest shall be holden."

Sect. 21. "And whereas doubts have arisen as to the power of the justices to order the payment of allowances for travelling in and out of the county in an inquisition has not been taken, although such coroner has been compelled to travel from his usual place of abode for the purpose of taking an inquisition; be it therefore enacted, That it shall and lawfully may be the duty of the justices of the peace in their general or quarter sessions for the county, riding, division, or liberty where such inquisitions have been taken, or the major part of them, if they shall see fit, to order the payment of such allowances for travelling to any coroner or coroners who shall be compelled, to the satisfaction of the said justices, that he or they have been compelled, in the discharge of his office, to travel from his usual place of abode for the purpose of taking an inquisition, but with the exercise of his discretion, he deemed to be unnecessary, to take."

Sect. 22. "And whereas, in cases where the sheriff is a party to a writ, or is otherwise disqualified to act, and in various other cases, writs, and processes in civil actions and suits, and also extents and other processes in which the queen is interested, are frequently directed to and executed by the coroner in the place and stead of the sheriff, but the coroner is not entitled in such case allowed any fee or reward for the execution of an inquisition, or process, or extents; be it therefore enacted, That in all cases where a writ, process, or extent whatsoever shall be directed to and executed by any coroner or coroners in the place or stead of any sheriff or sheriffs, such coroner or coroners shall have and receive such and the same fees or other compensation or reward for executing the same as the sheriff or sheriffs, if he or they had executed the same, would be entitled to receive for so doing, and shall also have such a right to retain, and all other remedies for the recovery of the same as the sheriff or sheriffs would have had in whose place and stead the coroner or coroners shall have been substituted; and if the compensation payable to the sheriffs shall at any time after the passing of this act be increased by act of parliament or otherwise, that in every such case the coroner or coroners shall be entitled to such increased compensation."

Sect. 23. "And whereas by an act passed in the sixth year of her majesty queen Victoria, intituled 'An Act for the more effectual holding of Coroners Inquests,' it was enacted, that for the purpose of holding coroners inquests every detached part of a county, or detached place, or village, or hamlet, or town, or parish, or manor, or tithing, or division, or riding, or which it is wholly surrounded, or where it is partly surrounded by one or more counties, within that one with which it has the long

London and borough of Southwark, or of any franchises be-
the said city, nor any coroner of any city, borough, town,
franchise which is not contributory to the county rates, or
h such rates have not been usually assessed, shall be entitled
recompence, or benefit given to or provided for coroners by
it that it shall be lawful for all such coroners as are last men-
ive and receive all such fees, salaries, wages, and allowances
e entitled to by law before the making of this act, or as shall
allowed to them by the person or persons by whom they have
ll be appointed."

excepted out of
this act.

"That the provisions of this act touching the allowance for
ig expences of coroners shall be deemed and taken to extend
appointed and acting for the jurisdiction of the cinque ports,
erebefore contained to the contrary notwithstanding."

Provisions of act
as to expences to
extend to the
cinque ports.

"That nothing in this act contained touching the divisions
into districts, or the appointment or election of coroners, shall
the county of Chester, or any county palatine, city, borough,
ty, franchise, part, or place the appointment or election of coro-
f takes place by law otherwise than under the writ *de coronatore*

To what places
this act shall not
extend.

. "That in construing this act the word 'county' shall be
mean county, riding, or division of a county in and for which
coroner hath been customarily elected; and that in the counties
d Lincoln all things hereinbefore directed to be done by and
x to the justices in general or quarter sessions assembled, and

Meaning of
"county."

Coroner.

by their clerk, shall be done by and with respect to the justices counties of York and Lincoln in general gaol sessions assembled with their clerk."

Not to affect the royal prerogative.

Sect. 29. "Provided always, and be it declared and enacted, That nothing herein contained shall be construed to abridge or affect the royal prerogative, or the authority of the lord chancellor, for issuing a writ *habeas corpus*, as fully as if this act had not been passed."

Act to extend only to England.

Sect. 30. "That this act shall extend only to England."

The coroner for the city of Rochester held an inquisition which met with death in the river Medway, such body being brought to a spot above high-water mark sworn to be within the county of Kent, and there viewed by a jury of the city of Rochester that the inquisition was bad. (*Reg. v. Hyde*, 13 *Law J.*, 150.)

Corporations.

6 & 7 Vict. c. 89.
5 & 6 Will. IV.
c. 76.

By the 6 & 7 Vict. c. 19, intituled "An Act to amend the Regulation of Municipal Corporations in England and Wales," reciting that by the 5 & 6 Will. IV. c. 76, were made for the election of corporate officers in certain boroughs for determining the times and manner of such election; but that in some of the said boroughs the provisions in the said act have not in all cases been duly complied with; that, by the 1 Vict. c. 78, it was among other things declared that the passing of that act every application to the court of Queen's Bench for the purpose of calling upon any person to show by what title he claims to exercise the office of mayor, alderman, councillor, or other corporate officer, in any borough, he shall make before the end of twelve calendar months after the election, or the time when the person against whom such application shall be directed shall have become disqualified, shall not at any subsequent time: and that doubts have arisen with respect to the validity of such applications notwithstanding the said last-mentioned enactment, application of the nature of *quo warranto* may not still be successfully made against a person holding the office of mayor on the ground that such person was not duly qualified to be so elected mayor by reason of some informality in his previous election to the office of alderman or councillor, although more than twelve calendar months may have elapsed since such election to the office so alleged to have been informal and void; and likewise against other corporate officers upon grounds of the same nature: and that also in certain boroughs the town council have not under the said recited act omitted to appoint as therein directed the aldermen first elected under that act should go out of office at the expiration of the term therein mentioned: and whereas at some of the said boroughs, at the said first election of aldermen, after the passing of the said first-recited act, less than the full number required by the said act were elected to such office by reason of equality of votes as between the persons nominated, and at the second election of aldermen the provisions of the said first-recited act, other aldermen were elected to supply and make up such deficiency, but by inadvertence, or mistake of law, a greater number were elected to such office than were to have been so elected, and great inconvenience, vexation, and expense have been incurred and sustained by reason of the premises: that the functions of the corporate bodies in such boroughs are thereby suspended; and it is expedient to provide a remedy for such mischief: and that the said first-recited act requires further amendments: it is enacted, "That no election of any mayor or other corporate officer in any borough named in schedules (A.) and (B.) of the said first-recited act, or in any borough to which a charter of incorporation may hereafter be granted under the provisions of that act

1 Vict. c. 78.

No election of a mayor in certain boroughs to be called in question for defect of title unless by *quo warranto*

in the year 1838, and by reason of ~~such~~ omission the provisions said first-recited act as to the retirement and election of aldermen should first go out of office. not be carried into effect, the councillors of such boroughs, at the said quarterly meeting of the council to be held on the 1st of November next after the passing of this act, declare and shall be the aldermen who shall go out of office on the 9th of November, in the year 1844, and the persons so named shall be those who shall then go out of office accordingly."

That no proceeding commenced before the passing of this act pending in the court of Queen's Bench, against any person as mayor or alderman of any of the aforesaid boroughs upon which before the passing of this act would have been sufficient the title of such person, but which after the passing of this act shall be sufficient for that purpose, shall after the passing of this act be prosecuted: Provided always, that the prosecutor or relator shall be taxed as between attorney and client according to the rules of that court, as have been *bona fide* incurred by such prosecutor in such proceeding before the passing of this act."

And whereas it is expedient to render certain proceedings, such as writs of *habeas corpus* and *mandamus*, so far as they affect corporate bodies, more summary and expeditious; be it therefore enacted that from and after the passing of this act, in all cases of application to the court of Queen's Bench, either for a mandamus to an election of any corporate officer or officers in any borough, or for an information in the nature of a *quo warranto* against any person claiming to be a corporate officer of and in any borough, it shall be lawful for the party intending to apply to give notice in writing thereof to the party to be opposed by at any time not less than ten days before the day in the

SO DO EACH SHALL DO IN THE COUNTY OF MIDDLESEX, OF LONDON, and that the issue or issues of fact thereon, if any, the sittings at Nisi Prius of the said court at Westminster by a jury of the same county or city respectively."

Office of the treasurer not to be subject to annual election, but to be during the pleasure of the council.

Sect. 6. "And whereas the office of treasurer of and of boroughs is an office of great trust, and an annual appointment is inconvenient and unnecessary; be it therefore enacted much of the said hereinbefore first-recited act as provides in every borough shall in every year appoint a fit person of such borough shall be and the same is hereby repealed council of every borough shall, on the 9th day of November the passing of this act, or on the 9th day of November borough shall be incorporated, appoint a fit person, not of the council, to be the treasurer of such borough, who shall hold his office during the pleasure of the council for and on the happening of any vacancy thereafter, by despatch, or otherwise, the council shall proceed to the appointment of a successor, either at any of the general quarterly meetings or at a special meeting to be convened for that purpose, and such appointment be delayed beyond twenty-one days from the vacancy."

Provision for the appointment of a deputy recorder in certain cases.

Sect. 7. "And whereas inconvenience has arisen and arise by reason that in the said first-recited act no provision is made for the holding of the borough sessions at the time appointed for that purpose, in case of the sudden illness or unavoidable absence of the recorder, on or immediately before which the sessions for any borough shall have been appointed or during the holding of such sessions; and it is desired to prevent such inconvenience; be it therefore enacted, That in the said first-recited act as provides, 'that in case of sickness or absence, the recorder of any borough shall be empowered, and seal, with the consent of the council of the said borough, to appoint a deputy recorder, being a barrister of five years standing at the quarter sessions then next ensuing, and no longer, and the same is hereby repealed.'

In case of sickness or absence the recorder may appoint a deputy.

Sect. 8. "That in case of sickness or unavoidable absence of any borough shall be and he is hereby empowered, and seal to appoint a deputy recorder being a barrister of five

otherwise, to such guardians; and such precepts shall have such union so far as concerns such parishes as are within the commission of the said justices, notwithstanding that the place of such guardians may not be situated within such county without being endorsed with the signature of any justice of the peace having ordinary jurisdiction in the place of meeting of the said such guardians shall raise the monies required by such precept to be paid in like manner as the money required by such precept for the relief of the poor, and shall pay such monies at the time and in the manner prescribed by such precepts; and if the said such guardians, or any person on his or their behalf, tender to the county treasurer of the county or place for which such justices act the sum or sums assessed and charged thereon in respect of one or more of the said several sums, or if he so tender the whole sum or sums assessed and charged thereon in respect of any such rate or rates, with a copy of such precept in which are specified the rates, and the rate or rates, in respect of which the same is assessed, the county treasurer shall receive the sum so tendered, and shall give a receipt therefor, and shall pay the sum so tendered, and shall not be liable for the sum or sums required to be paid on behalf of other of the said such rates be not then tendered, and shall not be liable for the sum or sums received by him accordingly, but he shall not be liable for any sum on behalf of any such parish less than the sum assessed and charged thereon in respect of one or more of the said several sums, and the receipt of the treasurer of such county or place shall be a discharge for the payment of the sums specified in any such precept of them."

Guardians to pay such rates.

County treasurer to receive the same.

County Rates.

7 & 8 Vict. c. 33.

If the guardians fail to pay such rates, the justices may issue warrants to the overseers of parishes, &c. to pay the same.

If the overseers, &c. fail to pay, the justices may levy the rate by distress and sale.

Parishes not in arrear with contributions to be reimbursed by those which are in arrear.

Justices may issue precepts to the overseers of parishes, &c. not comprised in unions, or only

Sect. 2. "That in case guardians do not pay within the time li such precept the sum or sums of money therein required to be behalf of any parish, the said justices assembled as aforesaid m to be issued and sent, by post or otherwise, to the overseers of of such parish, or to the petty constable or peace officer, or othe or persons empowered in any place to rate and levy the monies as such county police or other rate, warrants to collect, and p treasurer of the county or place in which such justices act with to be named and limited in such warrants, the rate or rates ch such parish or place respectively, together with an addition to or rates in the proportion of 1s. to every 10s. ; and such addit shall be applied and disposed of in like manner as the county r such overseers of the poor, petty constables, peace officers, persons may reimburse themselves, as well for such additional for the original amount of rate or rates, out of the monies whic respectively empowered to rate and levy for the purpose of suc police, or other rate, but shall not receive or take from the coun any other rate, any allowance or compensation for their trou pences incurred in collecting, levying, or paying such county, other rate."

Sect. 3. "That if any overseer, petty constable, peace office person as aforesaid refuse, make default, or neglect to pay to surer of the county or place, within the time limited as afo sum or sums of money specified in the said warrants, and if tl the peace or treasurer of the county or place make complain then any justice of the peace of such county or place may l under his hand levy the same by distress and sale of the go offender ; and the justices assembled as aforesaid may pay to constable, messenger, or other person who may have been ei making such complaint, or in obtaining, drawing, or exec warrant, such reasonable compensation out of the county stoc said justices may seem fit."

Sect. 4. "That in every case where any parish comprised i has, on or before the day on which any precept as aforesaid obeyed, contributed money sufficient to enable the guardi union to pay any sum or sums required by such precept in such parish, as well as to provide for the immediate relief of such parish, and to satisfy all other obligations of the said g respect of such parish in force on that day, and where, thro fault of any other parish or parishes in the same union in c money to such guardians, or through the neglect of such g demand sufficient contributions from any other parish or pari same union, the said guardians have applied the money of mentioned parish to the use of such other parish or parish thereby rendered unable to pay any money so required by su on behalf of such first-mentioned parish, and such parish is thereof compelled to pay the additional sum of 1s. in ev hereinbefore provided, in every such case the guardians of shall reimburse such first-mentioned parish such additional s costs incurred by reason of the premises, out of the moni other parish or parishes which may next thereafter come into of such guardians ; and in case more than one parish be u aforesaid the said guardians shall charge such additional sum s every such parish, in proportion to the amount of the defic contribution of each parish respectively on the day on whic precept should have been obeyed."

Sect. 5. "That in the case of every parish not comprised union, and in which the laws for the relief of the poor are n tered by a board of guardians, and in the case of every p prised in a union the guardians of which are not empowere the poor, and in the case of any parish comprised withi

sessions are required to be holden for any division of any county, if notice of the intended holding of such special sessions be by any one justice of the peace usually acting within such division if a copy of such notice be sent by post a reasonable time before the day on which such sessions are to be holden, addressed to the justice of the peace resident and usually acting within such division and residence in such division, such notice shall be deemed to have been given to or served on each such justice of the peace, any law or to the contrary notwithstanding."

sent to each justice.

8. "And whereas it is expedient to relieve high constables, in cases, from the duty of attending at the court of quarter sessions; enacted, That where high constables have heretofore been usually appointed at courts of quarter sessions the high constables of such divisions shall hereafter be appointed by such justices as may be present at special sessions of their division held for the purpose of hearing appeals against the rates of the several parishes in such division, or at any adjournment thereof, but if the hundred or other like division of the county for which any high constable is to be appointed be not included within the limits of any one division of the county for which such special sessions are held, then the justices of the peace for the county assembled at general or quarter sessions, or any adjournment thereof, may from time to time determine the division of the special sessions at which such constable is to be appointed, and shall cause notice of such determination to be sent by post, or otherwise, to the high constable for the hundred or other like division; and every high constable whether appointed at a special sessions, or at an adjournment

High constable now appointed at quarter sessions to be appointed at special sessions.

High constables to take only the

, either from ceasing to practise as a barrister or for any other
 re making his award, the several parties in the said several
 ned shall be authorized and required to name another bar-
 for all the purposes in the said several acts mentioned, or any
 like manner as if no appointment had been made under the
 the barrister so newly named shall have the same authority
 ie matters in difference as if no other appointment had been
 in every such case in which, before the passing of this act, a
 ister has been appointed to settle or determine any matters in
 eft unsettled or undetermined by the barrister first appointed
 pose, the appointment of such second barrister shall be deemed
 he barrister so secondly appointed shall be deemed to have and
 from his appointment the same authority as if appointed under

Counties.

survey of counties, *see* "Survey," Vol. V.
 k 7 V. c. 61, intituled "An Act to annex detached Parts of Coun- 7 & 8 Vict. c. 61.
 Counties in which they are situated," [6th August, 1844,]
 t there exists in England and Wales parts of counties detached
 in body of the county, and delay and hindrance to the admi-
 f justice ensue, and inconvenience in other respects; and that
 is to remedy the said evil; it is therefore enacted, "That from
 ie 20th day of October next every part of any county in En- Detached por-
 tions of counties

County Rates.

7 & 8 Vict. c. 61.

to be part of the county by which they are surrounded.

2 & 3 Will. IV. c. 64. (See "*Parliament*," Vol. V.)

6 & 7 Vict. c. 12.

Detached parts to belong to adjoining hundred, &c., or to form a separate hundred.

Provision as to special and petty sessions.

9 Geo. IV. c. 43.

6 & 7 Will. IV. c. 12.

Error in stating name of county not to invalidate legal documents.

Saving of ecclesiastical rights.

Saving the rights

gland or Wales which is detached from the main body of such county shall be considered for all purposes as forming part of that county to which it is considered a part for the purposes of the election of members to serve in parliament as knights of the shire, under the provisions of an act passed in the third year of the reign of his late majesty, 'An Act to settle and to describe the Divisions of Counties and of Cities and Boroughs in England and Wales, in so far as relating to the Election of Members to serve in Parliament:' Provided always, that the provisions herein contained shall be construed to alter the county, riding, or division to which any such detached part shall be deemed to belong for the purpose of holding inquests, under the provisions of an act passed in the sixth year of the reign of her majesty, intituled 'An Act for the better and more convenient holding of Coroner's Inquests.' " (As to which, see ante, title "*Coroner*.")

Sect. 2. "That every such detached portion which under the provisions of this act shall be annexed for purposes other than that of electing members of parliament to any county to which it did not belong before the passing of this act shall thenceforth be deemed to be part of the hundred, wapentake, ward, rape, lathe, or other division by which it is wholly or for the most part surrounded, or to which it is next adjoining, in the county to which it will thenceforth belong. And the justices of the county, riding, parts, or division, in general session assembled, shall declare it to be a new or separate division, or other like division, which they shall be empowered to do; and it shall be lawful for the justices of such county, riding, parts, or division, at quarter sessions assembled, in every case in which there shall be no objection to them to be any doubt to which of such divisions any such detached part shall belong under this act, to declare the division to which it shall be taken to belong; and such determination shall be final and conclusive, and shall be published in the *London Gazette*, the production of which paper shall be evidence thereof."

Sect. 3. "That in all cases where any such detached part shall have formed before the passing of this act a separate division, in which special and petty sessions of the peace for such county have been usually holden, such detached part shall remain a separate division for special and petty sessions of the county to which it shall be annexed after the passing of this act, until the justices of the county, riding, or division to which it shall be annexed after the passing of this act shall have reconstituted such division for special and petty sessions of the county under the provisions of an act passed in the ninth year of the reign of King George the Fourth, intituled 'An Act for the better Regulation of Divisions in the several Counties of England and Wales,' and of an act passed in the sixth and seventh years of the reign of King George the Fourth, intituled 'An Act for amending an Act of the Ninth Year of the said King George the Fourth, intituled 'An Act for the better Regulation of Divisions in the several Counties of England and Wales.'"

Sect. 4 provides and enacts, "That no judicial proceeding, or other instrument in writing, shall be invalidated by reason of any error in stating the name of the county to which such detached portion belonged, instead of the county to which it will belong under the provisions of this act; and that every proceeding at law, whether civil or criminal, already commenced, or to be commenced before the 20th day of January next, shall and may be prosecuted and heard and determined as if this act had not been passed, save and except in so far as it may be otherwise ordered by any of her majesty's superior courts of law having jurisdiction in any case in which such order shall be made."

Sect. 5 provides and enacts, "That nothing herein contained shall alter or interfere with any ecclesiastical jurisdiction or right of patronage."

Sect. 6. "And whereas as to some such detached parts

Cricket.

See Addenda to, title "Gaming," post.

Curling.

See Addenda to, title "Gaming," post.

Death, Punishment of.

4 & 5 Vict. c. 56, intituled "An Act for taking away the Punish- 4 & 5 Vict. c. 56.
Death in certain Cases, and substituting other Punishments in
of," [22nd June, 1841,] reciting whereas it is expedient to alter
and various statutes now in force in that part of the United
called England relative to certain offences by the said sta-
punishable with death: and whereas by an act passed in the
year of the reign of his late majesty king George the Second,
"An Act for establishing an Agreement with the Governor
pany of the Bank of England for advancing the Sum of
£600 six hundred thousand Pounds towards the Supply for the
of the Year One thousand seven hundred and Forty-two," it was
other things enacted, that if any officer or servant of the said
y, being intrusted with any note, bill, dividend warrant, bond,
any security, money or other effects belonging to the said com-
t having any bill, dividend warrant, bond, deed, or any security
of any other person or persons lodged or deposited with the said

15 Geo. II. c. 13.
s. 12.
Embezzlement by
servant of the
Bank of England
of any note, bill,
dividend warrant,
bond, deed, &c. of
the company.

Death, Punishment of.

4 & 5 Vict. c. 56.

35 Geo. III. c. 66.
s. 6.

Embezzlement by
servant of Bank
of England of any
note, bill, divi-
dend warrant, &c.
relating to Irish
annuities trans-
ferred to Bank of
England.

37 Geo. III. c. 46.
s. 6.

Embezzlement by
any servant of
Bank of England
of any note, bill,
&c. relating to
certain other
annuities trans-
ferred to Bank of
England.

24 Geo. II. c. 11.
s. 3.

Embezzlement by
servant of South
Sea Company of
notes, bills, &c.
of company.

company, or with him as an officer or servant of the said company, should secrete, "embezil," or run away with any such note, bill, dividend bond, deed, security, money, or effects, or any of them, every servant so offending, and being thereof convicted in due law should be deemed guilty of felony, and should suffer death without benefit of clergy: and whereas also by an act passed in the thirty-fifth year of the reign of his late majesty king George the Third, intituled 'An Act for making Part of certain Principal Sums and Annuities raised or created or to be raised or created by Parliament of the Kingdom of Ireland on Loans for the Use of the Bank of that Kingdom transferrable, and the Dividends on such Sums and Annuities payable at the Bank of England, and for the better Security of the Proprietors of such Stock and Annuities, and of the Governor and Company of the Bank of England,' it was among other things enacted, that if any officer or servant of the said governor and company of the Bank of England, being intrusted with any note, bill, dividend warrant for payment of any annuity or interest or money, or any security, money, or other effects, of or belonging to the said governor and company, or having any note, bill, dividend warrant, or warrant for payment of any annuity or interest or money, or any security, money, or other effects, of any other person or persons, body politic or corporate, lodged or deposited with the said governor and company, or with him as an officer or servant of the said governor and company, in pursuance of the due execution thereof, should secrete, embezzle, or run away with any such note, bill, dividend or other warrant, security, money, or other effects, or any part thereof, every such officer or servant so offending, should be deemed guilty of felony, and should suffer death without benefit of clergy: and whereas also by an act passed in the thirty-seventh year of the reign of his late majesty king George the Third, intituled "An Act for making certain Annuities created by Parliament of the Kingdom of Ireland transferrable, and the Dividends on such Annuities payable, at the Bank of England, and for the better Security of the Proprietors of such Annuities and of the Governor and Company of the Bank of England," it was among other things enacted, that if any officer or servant of the said governor and company of the Bank of England, being intrusted with any note, bill, dividend warrant, or warrant for payment of any annuity or interest or money, or any security, money, or other effects, of or belonging to the said governor and company, or having any note, bill, dividend warrant, or warrant for payment of any annuity or interest or money, or any security, money, or other effects, of any other person or persons, body politic or corporate, lodged or deposited with the said governor and company, or with him as an officer or servant of the said governor and company, in pursuance of this act, or of the due execution thereof, should secrete, embezzle, or run away with any such note, bill, dividend or other warrant, security, money, or other effects, or any part thereof, every such officer or servant so offending, should be deemed guilty of felony, and should suffer death as a felon without benefit of clergy: and whereas also by an act passed in the tenth year of his late majesty king George the Second, intituled "An Act for reducing the Interest upon the Capital Stock of the South Sea Company from the Time and upon the Terms therein mentioned, and for the better Security of Frauds committed by the Officers and Servants of the said Company," it was among other things enacted, that if any officer or servant of the said company, being intrusted with any note, bill, dividend warrant, or deed, or any security, money, or other effects belonging to the said company, or having any bill, dividend warrant, bond, deed, or security, money, or effects of any other person or persons lodged or deposited with the said company, or with him as an officer or servant of the said company, should secrete, "embezil," or run away with any such note, bill, dividend warrant, bond, deed, security, money, or effects, or any part thereof, every officer or servant so offending, and being thereof

are to be cut, torn, or got off, the impression of any stamp should have been provided, made, or used, in pursuance of former act, for expressing or denoting any duty or duties and management of the commissioners of stamps, or any duty or duties, from any vellum, parchment, or paper what-
tent to use the same for or upon any other vellum, parch-
r, or any instrument or writing, charged or chargeable with
ties thereby granted, then and in every such case every per-
ng, and every person knowingly and wilfully aiding, abet-
ing any person or persons in committing any such offence
and being thereof lawfully convicted, should be adjudged
y, and should suffer death as a felon, without the benefit of
whereas also by an act passed in the fifty-fifth year of the
aid late majesty king George the Third, intituled "An Act
the Stamp Office Duties on Advertisements, Newspapers,
er Plate, Stage Coaches, and Licences for keeping Stage
payable in Great Britain, and for granting new Duties in
it was among other things enacted, that if any person should
remove, or cause to be transposed or removed, from one
or silver plate to another, or to any vessel or ware of base
pression made with any mark, stamp, or die, which should
ved made, or used, in pursuance of that or any former act,
se of marking or stamping of any such gold or silver plate
or if any person should sell, exchange, or expose to sale, or
Great Britain, any such gold or silver plate, or any vessel or
metal, having thereupon any impression of any mark, stamp,
should have been transposed or removed from any other piece
resaid, knowing the same respectively to be transposed or
foresaid, or if any person should privately and secretly use
ump, or die so provided, made, or used as aforesaid, with in-
id his majesty, his heirs or successors, then every person so
d every person knowingly and wilfully aiding, abetting, and
person or persons in committing any such offence as afore-
ng thereof lawfully convicted, should be adjudged guilty of
ould suffer death as a felon, without benefit of clergy: and
n act passed in the sixth year of the reign of king George

55 Geo. II.c.185
s. 7.

Stamp duties on
gold and silver
plate.

6 Geo. IV. c. 85.

Punishment.

7 & 8 Geo. IV. c.
30. s. 8.

Riotous demollition of churches, houses, &c. not to be punishable with death.

given or awarded against persons convicted of the same, of them respectively, be liable, at the discretion of the court, to be transported beyond the seas for the term of the natural life for any term not less than seven years, or to be imprisoned for any term not exceeding three years."

Sect. 2. "And whereas by an act passed in the eighth year of his late majesty king George the Fourth, intituled 'An Act for consolidating and amending the Laws in England relative to property,' it was amongst other things enacted, that if any persons riotously and tumultuously assembled together to the disturbance of the public peace should unlawfully and with force demolish, destroy, or begin to demolish, pull down, or destroy any chapel, or any chapel for the religious worship of God, or from the united church of England and Ireland, disrepair, or any house, stable, coach-house, outhouse, shop, mill, malthouse, hop-oast, barn, or granary, or any building used in carrying on any trade or manufacture, or any machinery, whether fixed or moveable, prepare any manufacture or in any branch thereof, or any steam engine for sinking, draining, or working any mine, or any building or erection used in conducting the business of any waggon-way, or trunk for conveying minerals from a place to another, or any offender should be deemed guilty of felony, and be liable to suffer death as a felon; and that in case of any offence committed under that act every principal in the second degree before the fact, should be punishable with death in the same manner as the principal in the first degree was liable: and whereas it is expedient that the said last-mentioned act should be no longer punishable with death; be it enacted by the King's most Excellent Majesty in this behalf moved, that from and after the commencement of this act, if any person be convicted of any of the said offences hereinbefore last mentioned as principal, or as principal in the second degree, on the fact, such person shall not be subject to any capital punishment or punishment of death, but shall, instead of the sentence and by the said act hereinbefore last recited order

that in awarding the punishment or imprisonment for any offence under this act, it shall be lawful for the court to direct that the offender shall be with or without hard labour in the common gaol or prison, and also to direct that the offender shall be kept in imprisonment for any portion or portions of such imprisonment, and that the offender shall be with or without hard labour, not exceeding one year, and not exceeding three months in any one year, and in its discretion shall seem meet."

that nothing in that act contained shall be construed to ex-
 eration or repeal of any of the powers, provisions, or regu-
 ed in an act passed in the fifth and sixth years of the reign
 esty king William the Fourth, intituled ' An Act for effect-
 niformity of Practice in the Government of the several
 gland and Wales, and for appointing Inspectors of Prisons
 in,' or in an act passed in the fourth year of his majesty
 he Fourth, intituled ' An Act for consolidating and amend-
 relating to the building, repairing, and regulating of certain
 uses of Correction in England and Wales.' ”

Act not to alter
 5 & 6 Will. IV.
 c. 38, or 4 Geo.
 IV. c. 64.

That none of the offences hereinbefore specified shall be tried at sessions. Offences not to be tried at sessions.

That this act shall commence and take effect on the 1st day Commencement of
act.
141."

ct. c. 10, intituled " An Act for removing Doubts as to the 6 Vict. c. 10.
which may be awarded under the Provisions of an Act of the
fifth Years of Her present Majesty, ' for taking away the
of Death in certain Cases,' for certain Offences therein
[1st April, 1843,] reciting that in and by the 4 & 5 Vict. c. 56,
and other things enacted, that by an act passed in the eighth
year of his late majesty king George the Fourth, intituled,
consolidating and amending the Laws relating to malicious
property," it was amongst other things enacted, that if any
person or persons lawfully and tumultuously assembled together to the disturbance
of the peace should unlawfully and with force demolish, pull down,
or begin to demolish, pull down, or destroy, any church or
chapel for the religious worship of persons dissenting from
the Church of England and Ireland, duly registered or recorded, or
stable. coach-house. outhouse. warehouse. office. shop. mill.

Punishment for
offences herein-
before specified.

sons for the term of their natural lives, and that it is en
an end to such doubts; it is therefore enacted, "That fro
passing of this act, if any person shall be convicted of any
hereinbefore in the said act first above recited specified, m
be liable at the discretion of the court, to be transported |
for the term of the natural life of such person, or for an
than seven years, or to be imprisoned, with or without |
any time not exceeding three years."

Disorderly House.

Disorderly
houses.

AN action, founded on the statute 25 Geo. II. c. 36,
inhabitants who had given information, &c. to the pari
A. R. keeping a disorderly house, in consequence of w
indicted and pleaded guilty to the charge, was held to be
against two defendants, who, though not overseers at the
of A. R., were overseers at the time A. R. was brought u
Held also, that it was sufficient to show a demand made
fusal made by the defendants to pay the plaintiff the n
order to entitle him to maintain the action against them
penalty given by the act, although there were also church
whom no demand had been made. (*Burgess v. Hoctefeur*, 1
Mag. Cas. 122.)

It was made a question, but not decided in that case, w
wardens are overseers within the stat. 25 Geo. II. c. 36.

Distress for Rent.

Distress for rent.

A COMMITMENT under 11 Geo. II. c. 19, s. 4, for frau
of goods, omitted to state a complaint, in writing, by th
bailiff, agent, or servant. The order of adjudication state
to have been duly charged, in writing, before the magistr
held the commitment to be bad. (*Ex parte Hall*, 14

not on the credit of the witnesses adduced and on the truth of any: It is enacted, "That no person offered as a witness shall be excluded by reason of incapacity from crime or interest from law, either in person or by deposition, according to the practice, on the trial of any issue joined, or of any matter or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, officer, or person having, by law or by consent of parties, authority, to receive, and examine evidence; but that every person so offered shall be admitted to give evidence on oath, or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter or in the event of the trial of any issue, matter, question, or of the suit, action, or proceeding in which he is offered as a witness: notwithstanding that such person offered as a witness may previously convicted of any crime or offence: Provided that this act shall not render competent any party to any suit, action, or proceeding, or any individual named in the record, or any lessor of the plaintiff of premises sought to be recovered in ejectment, or the other person in whose right any defendant in replevin may sue, or any person in whose immediate and individual behalf any be brought or defended, either wholly or in part, or the wife of such persons respectively; provided also, that this act repeal any provision in a certain act passed in the session of 7 Will. IV. & 1 Vict. c. 26. holden in the seventh year of the reign of his late majesty and the first year of the reign of her present majesty, intituled 'An Act for the Amendment of the Laws with respect to Wills;' provided that in any such court any defendant to any cause pending in any such court may be examined as a witness on the behalf of the plaintiff or of any co-defendant in any such cause, saving just exceptions; and that any interested defendant so to be examined may have in the matters or matters in question in the cause shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as tending to affect the credit of such defendant as a witness."

"That wherever in any legal proceedings whatever legal proceedings may be set out, it shall not be necessary to specify that any persons who acted as jurors had made affirmation instead of oath, but that they served as jurymen, in the same manner as if they had passed for enabling persons to serve as jurymen without

"That nothing in this act shall apply to or affect any suit, action, or proceeding brought or commenced before the passing of this act." & 8 Vict. c. 101, s. 69, it is enacted, "That it shall be lawful for any guardian or district board, at any meeting thereof, to make a certificate in the form or to the effect contained in the schedule of this act (C.), and that every such certificate, and every copy of a copy of any order, complaint, claim, application, or authority of any guardian or district board, purporting respectively to be made by the presiding chairman of such guardians or district board, and countersigned by their clerk, shall, in the absence of any contrary evidence, be taken to be sufficient proof of the truth of the statements contained in such certificate, and of the directions contained in such order, complaint, claim, or application having been given in the copy of such minute, and shall be received in evidence by and before all courts of justice and all justices, without any need of the signatures or of the official characters of the persons signing of such seal, or of such meeting; and that for the purpose of any order of removal or other order no further or other evidence of the truth of such certificate shall be required, provided that such order bear date within twenty-one days next after the day of the making of such certificate."

Evidence and Witnesses.

6 & 7 Vict. c. 85.

Witnesses not to be excluded from giving evidence by incapacity from crime or interest.

Proviso.

Not to repeal an provision in 7 Will. IV. & 1 Vict. c. 26.

In courts of equity defendant may be examined on behalf of the plaintiff or any co-defendant, &c.

In legal proceedings not necessary to state that jurors had made affirmation.

As to suits commenced before passing this act.

7 & 8 Vict. c. 101. s. 69.

Guardians, &c. may make a certain certificate, which may be received in evidence, &c.

to give evidence thereon, it shall be lawful for such person to any house of correction within their jurisdiction remain without bail or mainprize for any time not exceeding or until such person shall sooner submit himself to be in case of such submission the order of any such justice a warrant for the discharge of such person."

Rules &c. printed by the printer authorized by her majesty to be received in evidence.

Sect. 71. "And whereas it is provided by the said first act that all rules, orders, and regulations made by the said commissioners under the authority of the said act shall be as valid and binding as if the same were specifically enacted in the said act; but no sufficient provision is made for the knowledge of courts of justice; be it therefore enacted, That any copy of any such rule, order, or regulation, printed and duly authorized by her majesty or any of her royal predecessors, shall, after the lapse of fourteen days from the date of its receipt in evidence, and judicially taken notice of, as a copy, contrary be shown, be deemed sufficient proof that the same were made, and is in force."

Evidence in legal proceedings of the transmission of the commissioners' rules, &c.

Sect. 72. "And whereas it is provided by the said first act that a written or printed copy of every rule, order, or regulation made by the said commissioners shall, before the same shall come into use in any parish or union, be sent by the said commissioners by the post in a sealed manner as the commissioners shall think fit, sealed with the seal of the commissioners, addressed to the overseers of such parish, the clerk of the union, or their clerk, and to the clerk to the justices of the peace for the division in which such parish or union is situated; and whereas the proof of such sending is often attended with expence and difficulty; be it enacted, That it shall not be necessary to prove such sending, by the oath of the overseers of the parish, or of the clerk of the union, or of the guardians of the union or of the parish, or, where there are no guardians, to the overseers of the parish within which the rule, order, or regulation is intended to have effect; and that it shall not be necessary to prove such sending unless reasonable cause be shown, by the party requiring such proof, to the party requiring such proof, that such proof will be required: and

L. 117; 2 P. & D. 283. S. C."

marginal reference, line 3, for "(2)" read "(1)."

fifth line from bottom, for "cement, stone," read "cement-

nation for penalties, under the 3 & 4 Will. IV. c. 53, s. 44, defendant with being concerned in the unshipping of goods, on which had not been paid; with knowingly harbouring stowed and illegally unshipped, without payment of duties; and offences under that section. It appeared at the trial, that a prevailed at the custom-house of allowing the owners of im- to take them away without payment of duty at the time, them having been previously made in a book kept by the d that the fraud complained of had been effected by a clerk dant's removing some of the leaves from the custom-house substituting others containing false entries of the quantity of rted. There was no direct proof that this fact was known to the ut he derived benefit from the fraudulent transaction:—Held, these circumstances, the jury might infer that the defendant o the fraud. The 44th section of the 3 & 4 Will. IV. c. 53, "every person" who shall be concerned in the unshipping of duties for which have not been paid, &c., shall forfeit either alue thereof, or be liable to the penalty of 100*l.* The defend- partner having been separately convicted of the same offences: it each was liable to the penalties imposed by the act. (*Reg. M. & W. 39.*)

Excise and Customs.

5 & 6 Vict. c. 47.

Management.

The act 3 & 4 Will. IV. c. 51, to be registered in royal court of Jersey, although Jersey is not specially named in that act.

Regulation.

Certain prohibitions repealed.

Fish of foreign taking, train oil, &c. prohibited to be imported, unless in vessels clearing regularly from a foreign port.

Repeal of so much of 3 & 4 Will. IV. c. 52, as permits turbot to be landed without entry.

Tobacco, the produce of Mexico, &c. may be imported from British possessions in packages of 40 lbs. and negrohead tobacco from United States in packages of 150 lbs.

Repealing so much of 3 & 4 Will. IV. c. 52, as requires weight of tobacco to be marked upon casks, &c.

Tobacco may be re-imported into

The following sections of the 5 & 6 Vict. c. 47, referred to in under the respective heads of "*Management*," "*Regulation*," "*Smuggling*," are here printed at full length:—

The 5 & 6 Vict. c. 47, sect. 2, reciting, "That whereas one act was passed for the management of the customs, and it is to amend the same: and whereas the provisions of the said act extend to the island of Jersey, so far as the same are to that island, according to the laws thereof, although the said act is not specially named therein: and that the said island not being specially named in the said act, the same has not been registered in the royal court of the said island, enacts, 'That the said royal court have full power and authority and is hereby required to register the said act in the same manner as if the said island had been specially named therein.'" (See vol. ii., p. 481, n. (a).)

Sect. 3, reciting, "That whereas by one of the said acts, in the Act for the Regulation of the Customs, several sorts of goods prohibited or described in a table of prohibitions and restrictions therein set forth, are absolutely prohibited to be imported into the United Kingdom, and it is expedient to repeal several of the same provisions, enacts, 'That so much of the said act and table as prohibits the importation into the United Kingdom of beef or pork, fresh or slightly salted, great cattle, mutton, lamb, sheep, swine, or foreign taking or curing, or in foreign vessels, shall be and is hereby repealed.'" (See vol. ii., p. 512, n. (a).)

Sect. 4 provides and enacts, "That all fish of foreign taking, such as anchovies, eels, turbot, and lobsters, and all train oil, blubber oil, head matter, skins, bones, and fins, the produce of fish living in the sea, and of foreign taking, shall be and the same shall be prohibited to be imported into the United Kingdom in fishing boats, or in any other vessels, unless such other vessels shall have cleared out regularly from some foreign port; and if any such fish or fish or creatures living in the sea shall be so imported into the United Kingdom the same shall be forfeited." (See vol. ii., p. 512, n. (b).)

Sect. 5 enacts, "That so much of the said last-mentioned act as permits turbot to be imported in a foreign ship, or in any other vessel, into the United Kingdom, without report, entry, or warrant, and so much of the said act as excepts such turbot from the regulations as to the places of landing, and presence of officers of customs, shall be repealed." (See vol. ii., p. 512, n. (c).)

Sect. 6, reciting, "That whereas by the said last-mentioned act an act passed in the sixth and seventh years of the reign of our said majesty king William the Fourth, intituled 'An Act to amend the laws relating to the Customs,' certain restrictions are laid down in relation to the packages in which tobacco may be imported into the United Kingdom; enacts, 'That the said restrictions shall not extend to the importation of tobacco, the produce of and imported from the United States in packages of not less than one hundred and fifty pounds weight, nor to any tobacco the produce of Mexico, Columbia, or the United States of South America, or the islands of Saint Domingo and Cuba, when imported from the warehouse in any British possession in packages of not less than eighty pounds weight each.'" (See vol. ii., p. 513, n. (e).)

Sect. 7, reciting, "That whereas by the said act for the regulation of the customs, tobacco is prohibited to be imported into the United Kingdom unless the particular weight of tobacco in each hogshead, chest, or case, with the tare of the same, be marked thereon; and it is expedient to repeal so much of the said act, enacts, 'That after the passing of this act so much of the said last-mentioned act as hereinbefore set forth shall be repealed.'" (See vol. ii., p. 513, n. (f).)

Sect. 8, reciting, "That whereas by the said last-mentioned act articles therein mentioned, which have been exported from

cannot be re-imported for home use by bill of store, and it is remove such restriction from the article of tobacco; enacts, such of the said act as restricts the re-importation of tobacco into the United Kingdom shall be and the same is hereby repealed: always, that such tobacco so re-imported shall be subject to all duties imposed by law upon tobacco imported into the United Kingdom, and liable to forfeiture if imported contrary to such restriction. (See vol. ii., p. 513, n. (e).)

Excise and Customs.

5 & 6 Vict. c. 47.
United Kingdom
by bill of store.

So much of the
8 & 4 Will. IV.
c. 52. s. 3, as
requires a separate
manifest for
tobacco, repealed.

, reciting, "That whereas by the said last-mentioned act it is provided that every manifest for tobacco shall be a separate manifest, distinct from any manifest for any other goods, and shall without fail contain the weight of tobacco in each hogshead, cask, chest, or case, with the name of the same, and that if such tobacco be the produce of the plantation of the grand seignor, then the numbers of parcels or bundles in any such hogshead, cask, chest, or case shall be stated in such manifest, and it is expedient that so much of the said act should be repealed," enacts, "That so much of the said last-mentioned act as is hereinbefore contained shall be and the same is hereby repealed: provided that the general manifest shall include tobacco in common with other goods imported in British ships." (See vol. ii., p. 496, n. (f).)

10 enacts, "That no drawback shall be allowed on any tobacco which shall not have been wholly manufactured from tobacco on which duty on importation shall have been paid, nor on any tobacco which shall be mixed with dirt or rubbish or any other ingredients; and any person who shall enter or ship, or cause to be entered or shipped, tobacco or cause to be produced to any officer of customs to be used for exportation or for stores, any tobacco not entitled to drawback with intent unduly to obtain any drawback thereon, or any greater drawback than he would otherwise be entitled to, shall, over and above any other penalties which he may thereby incur, forfeit treble the amount of the drawback sought to be obtained, or 200*l.* at the election of the Commissioners of customs; and all such tobacco shall be forfeited, and shall be seized by any officer of customs or excise." (See vol. ii., p. 517, n. (b).)

No drawback on
tobacco not properly
manufactured, and penalty
on persons fraudulently
attempting to obtain
drawback.

Sect. 11, reciting, "That whereas goods of foreign manufacture have been imported into the United Kingdom, and into the British possessions abroad, bearing the names, brands, or marks of manufacturers resident in the United Kingdom, to the great prejudice of such manufacturers: and that it is expedient that regulations should be made for the prevention of such importations; enacts, 'That from and after the 5th day of January, 1843, any articles of foreign manufacture, and any packages of such articles, imported into the United Kingdom or into the British possessions abroad, bearing any names, brands, or marks purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be forfeited.'" (See vol. ii., p. 496, n. (e); p. 514, n. (c).)

Sect. 12, reciting, "That whereas by the said last-mentioned act, and by certain subsequent acts to amend the laws relating to the customs, certain restrictions are imposed on the importation of spirits, and it is expedient to relax such restrictions in certain cases of importation of spirits in stone bottles not exceeding the size of quart bottles; enacts, 'That nothing in the said recited acts shall extend or be deemed to extend to restrict the importation of spirits in stone bottles not exceeding the size of quart bottles, such spirits being really part of the cargo of the ship or vessel in which the same are imported, and included in the manifest or other papers enumerating or descriptive of the cargo of such ship or vessel.'" (See vol. ii., p. 513, n. (b).)

Foreign goods
bearing names or
marks of manufacturers
in United Kingdom on
importation after
5th January, 1843,
to be forfeited.

Spirits may be
imported in stone
bottles not exceeding
size of
quart bottles.

Sect. 13, reciting, "That whereas by the said act for the regulation of the customs the importation of the silk manufactures of Europe is restricted to certain ports in the United Kingdom, and it is expedient that such manufactures should be imported into and warehoused at the port of

Silk manufactures
of Europe
be imported
Southampton

Excise and Customs.

5 & 6 Vict. c. 47.

Sugar; no allowance for damage.

Goods undervalued officers may detain.

Provisions of the 122nd section of the 3 & 4 Will. IV. c. 52, not to extend to warehousing bonds.

Certain goods derelict, &c., no abatement of duties thereon to be made on account of damage.

6 & 7 Will. IV. c. 60.

Southampton; enacts, 'That manufactures of silk, being the manufactures of Europe, shall be and the same are hereby permitted ported into and warehoused at the said port of Southampton; in any act or acts of parliament to the contrary thereof notwithstanding (See vol. ii., p. 513, n. (a).)

Sect. 14, reciting, "That whereas by the said act for the regulation of customs, it is enacted, that in respect of certain goods enumerated in the said act no abatement of the duties of importation shall be made on account of damage sustained during the voyage; and it is expedient to disallow such abatement in respect of sugar; and that such abatement in respect of sugar shall be unlawful, and disallowed: and it is enacted, that such abatement shall be unlawful, and disallowed: (See vol. ii., p. 573.)

Sect. 15, reciting, "That whereas by the said last-mentioned act, it is enacted, that the officers of customs are authorized to detain and secure goods of such value, if upon examination it shall appear to them that such goods are not valued according to the true value thereof, and within certain time therein mentioned to take such goods for the use of the crown; and it is expedient to make further provision for the security of the revenue, and the accommodation of the merchant importing such goods; and that if upon the examination of any goods entered to pay duty, it shall appear to the officers of customs that the value thereof is not according to the true value thereof, it shall be lawful for such officers to detain and secure such goods, and within seven days after the day on which the goods shall be finally examined by the proper officers, by virtue of a duty paid entry, if it be in England, or within ten days after such last-mentioned day if it be in any port in Scotland, Ireland, or the Isle of Man, to take such goods for the use of the crown; and the commissioners of her majesty's customs shall thereupon cause to be made a valuation of such goods, together with an addition of 10% per centum on the value thereof, and also the duties paid upon such entry, to be paid to the owner or proprietor of such goods in full satisfaction of the same; and that goods so detained shall be dealt with in such and the like manner as goods so detained are directed to be dealt with by the said last-mentioned act: (See, vol. ii., p. 502, n. (f).)

Sect. 16, reciting, "That whereas by the said last-mentioned act, it is enacted, that all bonds relating to the customs required to be taken in respect of goods or ships shall be taken by the collector and for the use of his majesty, and that after the expiration of the term therein limited for the performance of the condition thereof, every such bond upon the non-performance thereof shall be void, and shall be cancelled and destroyed: and whereas it is expedient to amend the said last-mentioned act as regards bonds given for the due exportation of or payment of duty upon goods warehoused: and it is enacted, 'That so much of the said last-mentioned act as regards bonds given for the due exportation of or payment of duty upon goods so warehoused shall be void, and shall be cancelled and destroyed: (See vol. ii., p. 515; and p. 531. n. (b).)

Sect. 17, reciting, "That whereas by an act passed in the seventh years of the reign of his said late majesty king George the Fourth, intituled 'An Act to amend the Laws relating to the duties of customs, it is provided, that the commissioners of his majesty's customs shall make such an abatement of the duties payable upon certain goods derelict, jetsam, flotsam, and wreck, as shall appear to be proportionable to the damage received by such goods; and it is expedient for the due protection of the revenue, that no abatement should be made upon cantharides, cocoa, coffee, coculus indicus, figs, guinea grains, ipecacuhana, jalap, lemons, nux vomica, oranges, pepper, raisins, rhubarb, sarsaparilla, senna, spirit of turpentine, tobacco, and wine; enacts, 'That no abatement of the duties

1. 519.)

acts, "That it shall not be lawful for any person to act as transacting business at any place in the port of London late to the entry or clearance of any ship, or of any goods, gage, unless authorized so to do by licence from the commander her majesty's customs, as required by the said act for the station of the customs; and if any person shall act as such ing so licensed, such person shall for every such offence n of 100*l*." (See vol. ii., p. 535. n. (c).)

Unlicensed persons transacting certain business relating to customs in port of London to forfeit 100*l*.

citing, "That whereas by the said last-mentioned act a drawback of the duties of customs is allowed for wine intended mption of officers of his majesty's navy on board such of his e in actual service as they shall serve in, not exceeding the wine therein mentioned, provided that such wine be shipped n ports, also therein mentioned, and it is expedient to amend enacts, ' That wine shipped for drawback for the con-officers of her majesty's navy under the provisions of the be shipped from the port of Liverpool, in like manner as ow permitted to be shipped at any port therein mentioned.' "

Wine for the use of the officers of the navy may be shipped at the port of Liverpool.

1. 524.)

citing, " That whereas by the said last-mentioned act books d or written or printed in the United Kingdom, and printed in any other country, imported for sale, except books not the United Kingdom within twenty years, or being parts of e greater parts of which had been composed or written solutely prohibited to be imported into the United Kingdom:

Repeal of 3 & 4 Will. IV. c. 82, s. 58, as to books printed in United Kingdom, and reprinted abroad.

Excise and Customs.

3 & 6 Vict. c. 47.

Books wherein the copyright subsists prohibited to be imported.

No book prohibited unless notice is given that copyright is subsisting.

Printed lists of works to be publicly exposed.

Ships not liable to tonnage rate under 4 & 5 Will. IV. c. 32, where their cargoes are reported for exportation, and they leave port of London without breaking bulk.

Goods the produce of British possessions abroad to be certified as such upon clearance.

Power to lords of treasury to require certificates of production

Goods imported without certificates of production (if required), or certificates of clearance, to be deemed foreign; and such goods, and also foreign goods imported from a British possession, to be

and that great abuse has prevailed with respect to the introduction of this country for private use of such works so re-printed abroad, to the great injury of the authors thereof and of others; enacts, "and after the 1st day of April 1843, so much of the said act as is hereinbefore recited shall be repealed." (See vol. ii., p. 512. n.)

Sect. 24 enacts, "That from and after the said 1st day of April 1843, books wherein the copyright shall be subsisting, first composed or printed in the United Kingdom, and printed or re-printed in any other country, shall be and the same are hereby absolutely prohibited to be imported into the United Kingdom." (See vol. ii., p. 512. n.)

Sect. 25, provides and enacts, "That no such book shall be imported unless the proprietor of such copyright shall give notice in writing to the commissioners of customs that such copyright subsists, and in such notice shall state when such copyright shall expire; and the said commissioners of customs shall cause such notice to be made, and to be publicly exposed at the several ports of the United Kingdom from time to time, printed lists of the works respecting which such notice shall have been duly given, and of which such notice shall not have expired." (See vol. ii., p. 512, n. (b).)

Sect. 26, reciting, "That whereas by an act passed in the fifth years of the reign of his late majesty king William the fourth, intitled 'An Act for reducing the Tonnage Rates payable in the port of London,' certain rates are imposed upon ships or other vessels entering inwards and clearing outwards in the port of London, and it is enacted to amend the same in respect of ships or other vessels reporting their cargoes for exportation, and ultimately leaving the port without breaking bulk; enacts 'That no tonnage rate shall be payable upon any ship or other vessel entering inwards or clearing outwards the said port, in cases where the cargoes are reported for exportation, and ultimately the ships or other vessels leave the port without breaking bulk, or taking in merchandize for the purpose of exportation.'"

Sect. 27, reciting, "That whereas by the said act for the regulation of the customs it is enacted that no goods shall be imported into the United Kingdom from any British possession in America (if any be to such distinction) unless the master of the ship importing such goods shall have delivered to the collector or comptroller a certificate in the hand of the proper officer of the place where such goods were cleared, certifying that the goods were cleared on board of the due clearance of such ship from thence, containing a true and correct account of such goods; enacts 'That from and after the 5th day of April 1843, so much of the said act as is herein lastly above recited shall be repealed; and it is enacted to all goods coming from any British possessions abroad, or from any territories subject to the government of the presidencies of Fort St. George, Fort Saint George, and Bombay respectively.'"

Sect. 28, reciting, "That whereas in certain cases certificates of production are required by law for certain articles upon the importation thereof from the British possessions abroad and other places into the United Kingdom; and it shall be lawful for the commissioners of her majesty's treasury to require, by any order under their hands, to be made, that a certificate of production shall be required upon such exportation for any goods whatsoever, and to frame such regulations respecting such certificates as they may think fit; and in respect of which such a certificate shall have been so required, no such goods shall be imported into the United Kingdom without such certificate respectively, the same shall be deemed and taken to be of foreign growth, produce, or manufacture; and all goods so deemed to be of foreign growth, produce, or manufacture, and all goods whatsoever of the growth, produce, or manufacture of foreign

erwise place the same in such manner as the commissioners
ty's customs may deem necessary to enable the officers to
take a true and correct account thereof; and that in all
ben the same is measured in bulk, the measurement shall
the full extent of the pile, and that no allowance shall be
officers on account of the interstices arising out of such
ting, piling, framing, or placing: provided always, that all
ls, deals, and planks exceeding twenty-one feet in length
red by the piece, and the account thereof taken sepa-

to enable officer
of customs to
measure it.

acts, "That the times, places, and manner of landing fo-
ported into the United Kingdom, and of reporting and
ams, and of paying the duties due thereon, shall be subject
tions and directions as the commissioners of her majesty's
from time to time make respecting the same; and that all
nladen from any vessel contrary to any such regulations
shall be forfeited." (See vol. ii., p. 508.)

Foreign fish to be
landed and
entered under
directions of com-
missioners of
customs.

citing, "That whereas by one other of the said acts, inti-
t for the Prevention of Smuggling, every person, being a
majesty, who shall be found or discovered to have been on
uel or boat liable to forfeiture under the said act, or any
ting to the customs, for being found or discovered to have
ny of the ports or places in the said act mentioned, in the
lom or in the Isle of Man, having on board or in any man-
hereto, or having had on board or in any manner attached
goods or things as subject such vessel or boat to forfeiture,
orfeit the sum of 100*l.*, and may be detained as therein
that doubts have arisen whether the provisions of the said
persons found on board any of her majesty's ships or ves-
ersons found on board ships or vessels in her majesty's
r service; enacts and declares, 'That all the said herein-
d provisions of this said last-mentioned act shall extend
ed and taken to extend to persons found or discovered to
board all such ships or vessels." (See vol. ii., p. 549, n. (c).)

Smuggling.

Declaring powers
of 3 & 4 Will. IV.
c. 68, to extend to
persons found on
board her majes-
ty's ships and
vessels.

citing, "That whereas by the said act for the prevention of
is enacted. that no writ of *habeas corpus* shall issue from

Writ of habeas
corpus not to

Excise and Customs.

5 & 6 Vict. c. 47.

Westminster, Dublin, or Edinburgh, or by any of her majesty of any of the said courts, unless there shall be produced to or judge an affidavit in writing duly sworn, stating that no issuing of such writ was given to the solicitor for the custom his office, four clear days before the return of such writ; and respect to all such writs there shall be an interval of four between the day on which they issue and the day on which returnable; and that any such writ issuing without such notice being in conformity to the directions herein contained, shall be void in intents and purposes whatsoever." (See vol. ii., p. 561, (n. a.)

5 & 6 Vict. c. 56.

Certain of the duties imposed by the 5 & 6 Vict. c. 47, being the following act, such portions of it as apply are here given. 5 & 6 Vict. c. 56, intituled 'An Act for further amending the Laws relating to the Customs,' [30th July, 1842,] and reciting, That passed in this present session of parliament, intituled 'An Act to amend the Laws relating to the Customs,' and by class five of the said act annexed, certain duties of customs are imposed upon woods not otherwise charged from and after the 10th day of October, 1842: and that among other articles enumerated in the said act duties are imposed upon wood of or from foreign countries otherwise dressed or prepared for use, and not particularly nor otherwise charged with duty: and that the said last-mentioned duties are imposed in the words following; (that is to say,) '9d. per foot of cubic contents, and further for every 100l. value 10l.; from and after the 10th day of October, 1842, 7½d. per foot of cubic contents, and further for every 100l. value 10l.:' and that doubts have arisen as to the meaning of the said duty of 7½d. per foot of cubic contents, and further for every 100l. value 10l., is to commence, and it is therefore expedient to enact and explain the meaning of the said act in that respect; enacts, 'That the said duty of 7½d. per foot of cubic contents, and further for every 100l. value, shall commence and be payable to her majesty, her heirs and successors, from and after the 10th day of October, 1843, and not from and after the 10th day of October, 1842, the said duty of 9d. per foot of cubic contents, and further for every 100l. value, shall be payable to her majesty, her heirs and successors, from and after the 10th day of October, 1842, only until the 10th day of October, 1843.'" (See vol. ii., p. 581, title "Copper.")

The duty of 7½d. per cubic foot and 10 per cent. ad valorem duties upon wood, planed, &c. to commence from 10th Oct. 1843. The duty of 9d. per cubic foot, &c. to be payable from 10th Oct. 1842 to 10th Oct. 1843 inclusive.

5 & 6 Vict. c. 47. Class VI.

Removal of doubts as to proportions between copper and ore indicated by table.

Manufactures of Guernsey, &c. from materials not of foreign origin, not to be deemed foreign productions.

Sect. 2, reciting, That "whereas by the said act, and by class five of the said act annexed, certain duties are respectively imposed upon copper of respective qualities therein specified, and which in the said act are described in the phrases hereinafter set forth; (that is to say,) copper containing not more than fifteen parts of copper, ore containing not more than twenty parts of copper, and ore containing more than twenty parts of copper: and that doubts have arisen as to the proportions between the copper and the ore which are to be designated by the phrases above set forth, and it is expedient to enact and explain the meaning of the said act and table in that respect; enacts, 'That the said act and table shall be construed, as if the words following, (namely,) "parts of copper," were inserted immediately after the words "parts of ore," in each of the several phrases hereinbefore set forth.'" (See vol. ii., p. 581, title "Copper.")

Sect. 3, reciting, That "whereas by the said act certain manufactures of the islands of Guernsey, Jersey, Alderney, Sark, or Man, are exempted from the payment of duty, to be deemed and taken to be the produce of a foreign country; enact, 'That the said last-mentioned exemption shall not be taken to extend to any manufactures of the said islands whereof are not of foreign origin or produce, but of the produce of the said islands, although such materials may be liable upon the importation thereof into the United Kingdom.'" (See vol.

ity-free, any thing in the said act contained in anywise not-

5.
citing, "That whereas by the said act to amend the laws re-
customs, the sale, exchange, and exposition to sale of gold
late, not being battered, which should be imported after the
he said act, and not being of the standards respectively re-
old and silver wares in England, and not having been assayed,
marked as therein is mentioned, are prohibited, with such
d forfeitures as therein are declared or referred to: and that
nt that such plate as hereinafter is described should be ex-
a the operation of the said prohibition; enacts 'That from
e passing of this act it shall be lawful to sell, exchange, or ex-
any gold or silver plate which since the passing of the said
ve been or henceforth shall be imported from foreign parts,
r silver plate being of foreign manufacture, and of an orna-
, and having been made or wrought previously to the year
standing such gold or silver plate shall not be of such
aforesaid, and shall not be assayed, stamped, or marked as
last-mentioned act is required, any thing in the said last-
act in anywise notwithstanding: provided always, that in
suit, or other proceeding against any party for any forfeit-
ity for selling, exchanging, or exposing to sale any gold or
imported from foreign parts, before the same shall have
d, stamped, or marked as in the said act is mentioned, the
the same was manufactured previous to the year 1800, or

Ornamental plate
made prior to the
year 1800 may be
sold without
being assayed.

In case of action,
the proof that the
plate was made
before 1800, or
was imported be-
fore passing of
5 & 6 Vict. c. 47,
to lie on defen-
dant.

Excise and Customs.

5 & 6 Vict. c. 86.

Duty on cement stone repealed.

& 7 Vict. c. 84.

Commencement of 6 & 7 Vict. c. 84

Management.

Commissioners may examine witnesses upon oath. 3 & 4 Will. IV. c. 51.

Regulation.

Goods entered to be landed or examined by bill of sight; a deposit to be made equal to duties.

When no part of goods in a package shall be delivered without perfect entry of whole.

Importer or agent

that the same was imported previous to the passing of the s
tioned act, shall lie on such party.'"

Sect. 7, reciting, "That whereas by the said act a duty of
dred weight is imposed upon cement stone, the produce or
of the United Kingdom, exported from the United Kingd
countries, and it is expedient to repeal the same; enacts
and after the passing of this act the said duty on cemen
be repealed.'" (See vol. ii., p. 598.)

The 6 & 7 Vict. c. 84, intituled "An Act to amend the
to the Customs," [22d August, 1843,] after reciting "That sev
passed in the third and fourth years of the reign of his late
William the Fourth for consolidating the laws of the custo
it has been found necessary from time to time to make cert
therein: and that certain further alterations and amends
required; enacts 'That from and after the passing of thi
shall come into and be and continue in full force and op
purposes mentioned therein, except where any other com
hereinafter particularly directed.'"

Sect. 2, reciting, "That whereas by one of the said acts, int
for the Management of the Customs,' powers are given to
general of customs, and the inspector-general of customs,
oath: and that it is expedient that the commissioners of c
have the like power of examining on oath; enacts, 'That
tions and inquiries made by the said commissioners of her
toms, or any one or more of them, for ascertaining the
relative to the customs, or the conduct of officers or pen
therein, any person examined before the said commissione
sioner shall deliver his testimony on oath, to be admini
commissioners or commissioner as shall examine him, and
hereby authorized to administer such oath; and if such
convicted of making a false oath touching any of the facts
oath, or of giving false evidence on his examination on o
commissioners or commissioner, every such person or person
as aforesaid shall be deemed guilty of perjury, and shall l
pains and penalties to which persons are liable for wilful a
jury.'" (See vol. ii., p. 487.)

Sect. 3, reciting, "That whereas by one other of the said
'An Act for the Regulation of the Customs,' it is lawful f
and comptroller of the customs, upon the importation
foreign parts, for which a perfect entry cannot be made
entry by bill of sight, and also to receive a deposit of a
upon such entry on account of the duties which may be
goods intended to be landed by virtue of such bill of sight
is expedient that a deposit of a sum of money should be m
where entries by bill of sight are granted; and that after th
of the goods so entered an endorsement should be made
sight, by the importer or his agent, of the full particulars
enacts 'That in all cases where an entry shall be made fo
or examining of goods by bill of sight the importer or h
before the same be granted, deposit with the proper officer
a sum of money sufficient in amount to cover the duties
goods intended to be landed or examined by such bill of si
make and subscribe a declaration that he has not any rea
that the duties on the goods will amount to more than the su
(See vol. ii., p. 500, & p. 503.)

Sect. 4 enacts, "That if the sum deposited on a bill
not be equal in amount to the duties payable upon all the g
in any single package landed or examined thereby, no part
vered until a perfect entry or entries is or are made for th
goods contained in such package.'" [Id.]

Sect. 5 enacts, "That before any goods in respect of

Excise and Customs.

6 & 7 Vict. c. 84.

Colonial fishing vessels may import blubber, oil, &c. into United Kingdom direct from fisheries.

Smuggling.

Persons in her majesty's naval service liable to detention under revenue laws to be placed in security on board ships of war until a justice's warrant procured.

Foreigners discovered on board any vessel containing smuggled goods to be punished.

Duties.

Duty on garancine altered.

the United Kingdom to parts beyond the seas, upon which the duties on the importation thereof is allowed, is required in double the value of the goods in manner therein mentioned it is expedient to make certain alterations in the said act; and from and after the passing of this act no bond shall be required for wine entered outwards for the purpose of obtaining a drawback on the duties paid or payable upon the importation thereof." (See n. (b).)

Sect. 10, reciting, "That whereas it is expedient to permit ships to come direct from the fishery to the United Kingdom with their cargoes, in like manner as vessels clearing out from the said colonies enacts, 'That any blubber, train oil, spermaceti oil, whale fins imported into the United Kingdom direct from the said colonial vessels, and which shall have cleared out for such any of the British possessions abroad, shall be admitted to the United Kingdom upon the payment of the same duty and in like manner as such articles are now admitted to entry when imported from the said colonies in vessels which shall have cleared out from thence.'" (See n. (c); p. 512.)

Sect. 11 enacts, "That where any person or persons, being crew of any ship or vessel in her majesty's employment or service, shall be liable to detention by an officer or officers of the customs, and shall be detained under any law or laws relating to the revenue of the said customs, any person or persons, upon notice thereof given by such officer or officers of the customs to the captain or commanding officer of the ship or vessel, shall be placed in security by such captain or commanding officer, until the officer or officers of the customs shall have obtained a warrant from a justice of the peace for bringing the said person or persons before him, or any two or more justices of the peace, to be dealt with according to law; which said warrant such justice is hereby authorized and required to grant upon complaint made by such officer or officers of the customs, stating the offence of the person or persons is or are liable to detention as aforesaid." (See p. 549, n. (c).)

Sect. 12 enacts, "That every person, not being a subject of the said Majesty, who shall be found or discovered to have been on board any ship or boat liable to forfeiture under any act relating to the customs, or who shall be found or discovered to have been within any of the ports, harbours, or creeks in the United Kingdom, or in the Isle of Man, having in any manner attached thereto, or conveying or having in any manner, such goods or things as subject such vessel or boat to forfeiture, shall be liable to be detained and proceeded against as if he were a subject, and shall be punished, in such and the like manner as under the said acts persons, being subjects of her majesty, being so found and convicted as herein mentioned, may be detained, proceeded against, and punished, provided always, that no person whosoever shall be liable to be detained for any such offence as is herein lastly before mentioned unless there shall be reasonable ground to believe that such person was the owner of such goods, or was concerned in bringing the same into such ports, harbours, or places as are hereinbefore mentioned, or in concealing the same." (See p. 550, n. (c).)

Sect. 13, reciting, "That whereas it is expedient that garancine charged with a rated duty upon importation into the United Kingdom should be liable to the *ad valorem* duty to which it is liable under the said act; enacts, 'That instead of the duties now chargeable on garancine imported into the United Kingdom under or by virtue of the said act passed in the last session of parliament for amending the said act, the duties to be raised, levied, collected, and paid unto her majesty, upon garancine imported into the United Kingdom from foreign parts, shall be the same as the duties now chargeable on such duty, in like manner as if such duties had been im-

reciting, That whereas by an act passed in the session of parliament in the third and fourth years of his late majesty king William the fourth, intituled "An Act for the general Regulation of the Customs by the table therein contained, denominated, "A Table of Exports and Restrictions Outwards," the tools, utensils, machinery, described in the said table, and in the schedule hereto annexed, amongst other things, absolutely prohibited to be exported from the United Kingdom: and that it is expedient that the said prohibition of the exportation of the said tools, utensils, machinery, and articles should be repealed; enacts, "That so much of the said act and schedule as prohibits the exportation from the United Kingdom of the tools, utensils, machinery and articles described in the schedule hereunto annexed, and the same is hereby repealed." (See vol. ii., p. 526.)

Regulation
So much of 3 & 4
Will. IV. c. 82, as
prohibits exports
of machinery in
schedule repealed.

SCHEDULE to 6 & 7 Vict. c. 84.

UTENSILS; viz.:—Any machine, engine, tool, press, paper, utensil, or instrument used in or proper for the preparing, working, pressing, or finishing of the woollen, cotton, linen, or silk manufactures of this kingdom, or goods wherein wool, cotton, linen, or silk is used, or any part of such manufactures, engines, tools, presses, paper, utensils, or instruments, or any part thereof, or any part thereof, except wool cards or stock cards above 4s. per pair, and spinners cards not worth above 1s. 6d. per pair in the woollen manufactures.

—Blocks, plates, engines, tools, or utensils, commonly used for the preparing, working up, or finishing of the calico, cotton, linen printing manufactures, or any part of such blocks, plates, tools, or utensils.

—Rollers, either plain, grooved, or of any other form or design, of cast iron, wrought iron, or steel, for the rolling of iron or any other metal, and frames, beds, pillars, screws, pinions, and each and every part, tool, or utensil thereunto belonging; rollers, slitters, frames, and screws for slitting mills; presses of all sorts in iron and other metals, which are used with a screw exceeding one inch and a quarter in diameter, or any parts of these several articles, or any model of the aforesaid utensils, or any part thereof; all sorts of utensils, engines,

Excise and Customs.

6 & 7 Vict. c. 84.

the rough state or finished for use ; wire moulds for making paper of metal, stone, or wood, for cutting, roughing, smoothing, polishing, graving glass ; purcellas, pincers, shears, and pipes used in blow-potters wheels and lathes for plain, round, and engine turning ; for saddlers, harness makers, and bridle makers ; viz., candle-strainers, point-strainers, creasing irons, screw-creasers, wheel-irons, pricking-irons, bolstering-irons, clams, and head knives.

Frames for making wearing apparel.

7 Vict. c. 16.

Commencement of 7 Vict. c. 16.

Regulation.

Ship not to be cleared until coal owner or agent has delivered to collector two fitters' certificates, one of which to be retained and the other delivered to master for production at port of delivery.

The 7 Vict. c. 16, intituled "An Act to amend the Laws relating to Customs," [6th June, 1844,] reciting, "That whereas several Acts passed in the third and fourth years of the reign of his late majesty William the Fourth, for consolidating the laws of the customs : has been found necessary from time to time by certain other Acts to make certain alterations therein : and that certain further alterations therein are required ;" enacts, "That from and after the passing of this Act the Acts so recited shall come into and be and continue in full force and operation for all the purposes mentioned therein, except where any other Act made hereinafter particularly directed."

Sect. 2 enacts, "That no ship shall be cleared from any port in the United Kingdom, either for a coasting or a foreign voyage, unless the owner or agent of such ship shall have delivered to the collector of customs two certificates under his hand, expressing the total quantity of coals or culm or cinders respectively shipped or intended to be shipped in such ship ; and the collector or controller shall retain one of such certificates, and shall deliver the other, signed by him, to the master of the ship ; and every fitter, coal owner or agent, who shall refuse to deliver such certificates, or shall give a false certificate, shall forfeit a sum of 100*l.* ; and the master of such ship shall keep such certificates, and shall produce the same to any officer of customs demanding such certificates, and shall, before bulk be broken, deliver such certificate to the collector or controller of any port in the United Kingdom to which such coals, culm, or cinders shall be carried in such ship." (See vol. ii., p. 512.)

Tobacco stalks to be deemed tobacco.

Sect. 3, reciting, That whereas doubts have arisen whether tobacco stalks are to be deemed and taken to be tobacco, within the meaning of the aforesaid Acts ; enacts and declares, "That tobacco stalks shall be deemed and taken to be tobacco, within the meaning of the said Acts, and shall be described as tobacco in any information, indictment, or proceeding, and shall be liable to the same penalty or forfeiture incurred or to be incurred under the said Acts as tobacco : Provided always, that nothing herein contained shall repeal or annul any part of any Act whereby the importation of tobacco stalks is prohibited." (See vol. ii., p. 512.)

Smuggling.

Persons on board foreign mail packets having contraband goods on board, liable to detention, and to a penalty of 100*l.*

Sect. 4 enacts, "That every person who shall be found or discovered to have been on board any foreign post-office packet, being a national of any foreign country, employed in conveying the mails between any foreign country and the United Kingdom, such packet being found or discovered to be within any port, harbour, river, or creek in the United Kingdom, and being driven thereinto by stress of weather or other unavoidable accident, and having on board or in any manner attached thereto, or having conveyed in any manner, any spirits, not being in a cask or package containing twenty gallons at the least, or any tea exceeding a weight in the whole, or any tobacco or snuff, not being in a cask or package, containing three hundred pounds weight at least, shall be liable to a sum of 100*l.* ; and it shall be lawful for any officer or officers of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or for any officer or officers of the

such person shall before have been convicted of any such writ shall issue and such person shall be held to bail amount of the penalty sought to be recovered against

be held to bail for full amount of penalty.

iting, That whereas by an act passed in the session of 1845 in the fifth and sixth years of the reign of her majesty Victoria, intituled "An Act to amend the Laws relating to the Customs and Excise," and by table (A.) annexed to the said act, certain duties are imposed on the articles mentioned in the table hereunto annexed: and Her Majesty is pleased to make certain alterations in respect thereof; enacts, That of any duties imposed by the said last-mentioned act on the articles mentioned in the table hereunto annexed the several amounts in figures in the said table shall, in respect of such articles mentioned therein, be raised, levied, collected, and paid unto her heirs and successors, in like manner as if such duties had been imposed in and by the said last-mentioned act, and had been as in the said table thereunto annexed." (See vol. ii., p. 576.

Duties.

Alteration of certain duties imposed by 5 & 6 Vict. c. 47.

acts, "That there shall be charged, raised, levied, collected, and paid unto her majesty, her heirs and successors, in addition to the duties imposed in the said table hereunto annexed, upon the several articles therein enumerated therein, a further duty of five per centum upon the several duties in and by the said table respectively charged on the several articles, and each of them, except with regard to cordials which shall be subject, in lieu of the further duty of five per centum, to a further duty of 4d. per gallon."

Additional duty of five per cent. upon amount of duties on articles in the table.

enacts, "That to prevent vinegar or acetic acid of excessive strength from being imported, and to prevent the same from being sold or

Vinegar or acetic

Excise and Customs.

7 Vict. c. 16.
acid to be charged with duty according to strength.

sive strength being brought into consumption upon payment of common vinegar or acetous acid, to the great injury of her revenue, all such liquors as aforesaid subject and liable to the posed by this act shall and may be tried and examined by any officers of customs with such acetometer as shall and may be to time directed by the commissioners of customs, in order to the strength thereof; and that whenever any such liquors shall such trial be found by any officer or officers of customs to proof, as denoted by such acetometer, (proof being such acetous acid that one hundred parts of the liquor by weight will or neutralize fourteen and a half parts by weight of crystallized carbonate of soda,) the number of gallons of such liquors of such trial is made shall be deemed and computed by such officer or be such number as could be made from or with such liquors by water to the strength of proof denoted as aforesaid, as chargeable and taken account of and charged by such office accordingly."

Repeal of duty on olive oil flasks.

Sect. 11 enacts, "That the duty now chargeable upon flasks of olive oil is imported be repealed."

Repeal of duties on Alpaca and Llama wool, and on certain articles when partly wrought up.

Sect. 12 enacts, "That the duties now chargeable upon the importation of sheep and lambs wool, and upon wool of the Alpaca and Llama tribe, and upon goats wool or hair, and upon the exportation of wools and skins, and of manufactures or pretended manufactures slightly wrought up, so as that the same may be reduced to the use of as wool again, and upon mattresses or beds stuffed with wool, or wool fit for combing or carding, be repealed." (S. 589, title "Wool.")

Repeal of 5 & 6 Will. IV. c. 66, s. 2, respecting the entry of coffee the produce of British possessions in East Indies.

Sect. 13, reciting, That whereas by an act passed in the fifth year of the reign of our late majesty king William the Fourth, intituled "An Act to amend the law relating to the Customs," it is enacted that no coffee shall be imported into Great Britain being the produce of any British possession within the limits of the East India Company's charter unless the master of the ship in which the same shall have delivered to the collector or controller of customs under the hand and seal of the proper officer at the place where the coffee was taken on board, testifying that a declaration in writing has been made and signed before him (the contents of which declaration shall be examined, and believed to be true,) by the shipper of such coffee, that the same was really and *bond fide* the produce of some such British possession, nor unless such master shall also make and subscribe a certificate before the collector or controller that such certificate was made and signed by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein: and that it is the intention of the said act that the same enactment should be repealed; enacts, "That the said act lastly hereinbefore recited as is hereinbefore recited shall be and the same is hereby repealed."

TABLE OF NEW DUTIES, 1844, under the 7 Vict

Alganobilla seed, the cwt.	.	.	.	.	.
Lard oil, for every 100l. value	.	.	.	.	.
Myrobolane berries, the ton	.	.	.	.	.
Vegetable wax, the cwt.	.	.	.	.	.
Colchicum seed, the cwt.	.	.	.	.	.
Kernels of walnuts and kernels of peach stones, commonly used for expressing oil therefrom, the ton	.	.	.	.	.

commonly used for expressing oil therefrom, the	£.	s.	d.	Excise and Customs.
atash, the lb.	0	0	1	
the ton	0	0	2	
the ton	0	1	0	7 Vict. c. 16.
the ton	0	5	0	
from foreign countries, the lb.	0	5	0	
from foreign countries, the lb.	0	0	2	
cwt.	0	0	6	
the lb.	0	15	0	
the lb.	0	0	6	
gums, except gum arabic, being the produce of any				
cession in America, or of any British possession				
mits of the East India Company's charter, in regard				
conditions of the act 4 Vict. c. 8. have or shall				
filled, sweetened or mixed with any article so that				
f strength thereof cannot be ascertained by Sykes's				
the gallon	0	9	0	
not otherwise enumerated or described, the cwt.	1	0	0	
ther, on account of the excise duty, the cwt.	0	7	0	
glass, for every 100l. value	30	0	0	
ther, on account of the excise duty, the cwt.	0	7	0	
tures, not otherwise enumerated or described, and				
lass fit only to be re-manufactured, the cwt.	1	0	0	
ther, on account of the excise duty, the cwt.	0	7	0	
ed in sugar, the lb.	0	0	6	
in	4	4	0	

8 Vict. c. 25, intituled "An Act to repeal the Duty of Ex- 7 & 8 Vict. c. 35.
 er, and to make the Duties and Drawbacks now payable on
 e same as on Bottle Glass," [4th July, 1844,] reciting that,

IV. c. 37, certain duties of excise were granted and made
 vinegar or acetous acid, or liquors prepared or prepar-
 ar or acetous acid brewed or made in any part of the
 om of Great Britain and Ireland for sale: and that by the 1 & 2
 rtain duties of excise were granted on the fluxed materials
 her preparations made for the purpose of making flint glass,
 awbacks were allowed on flint glass for and in respect of
 ast-mentioned duties had been duly charged, and which
 orted to foreign parts: and that it is expedient that the said
 inegar or acetous acid or liquors prepared or preparing for
 etous acid, should cease and determine, and that the said
 wbacks on flint glass should be repealed, and other duties
 s in respect thereof should be granted and allowed in
 it is therefore enacted, "That from and after the passing
 and singular the duties of excise now payable on vinegar or
 or liquors prepared or preparing for vinegar or acetous acid,
 de in any part of Great Britain or Ireland, shall cease and
 d be no longer levied or collected, paid or payable; and the
 nactments, clauses, provisions, and regulations for securing,
 llecting the duties on vinegar or acetous acid, or liquors
 reparing for vinegar or acetous acid, shall not, from and
 ing of this act, be enforced or executed, save and except for
 f recovering any duties incurred or charged before the pass-
 t, or any arrears thereof, or any fine, penalty, or forfeiture
 of any of the said clauses, enactments, provisions, or regu-
 tted previous to the passing of this act, but all such duties
 nes, penalties, and forfeitures, shall and may be recovered,
 ed, and applied in the same manner and by the same powers
 s as if this act had not been passed: Provided always, that
 ay be lawful for the commissioners of her majesty's treasury
 remit so much of the aforesaid duties which shall have been
 y maker of vinegar or acetous acid, not being pyroligneous
 between the 5th day of July, 1843, and the day of the pass-

After passing of
 this act the duties
 and regulations
 for securing the
 duty on vinegar
 to cease, save as
 to any arrear of
 duty or penalty.

Commissioners
 of treasury may
 remit certain of
 the duties on
 vinegar, &c.
 before the passing
 of this act.

Excise and Customs.

7 & 8 Vict. c. 25.

Vinegar makers to take out licences as heretofore.

Vinegar makers to make entry of their premises and utensils with the excise.

7 & 8 Geo. IV. c. 53.

4 & 5 Will. IV. c. 51.

4 & 5 Vict. c. 20.

Vinegar makers having stills to use them only subject to such rules as the commissioners of excise direct.

From 5th July, 1844, the present duties and drawbacks on flint glass to cease;

other duties and drawbacks granted and allowed in lieu thereof.

ing of this act, as shall not exceed the sum to which such amount if the same had been charged and made payable on such vinegar or acetous acid in the hands of the maker thereby the proper officer of excise, on the 1st day of June, 1844."

Sect. 2 provides and enacts, "That nothing herein contained or be deemed or construed to extend in any manner to the licences now required by law to be taken out by makers of acetous acid for sale; and every person who shall make, prepare, distil, rectify, purify, or sell any liquors prepared or capable of being applied to the purposes of vinegar or acetous acid made shall be deemed and taken to be a vinegar maker, and shall take the licence now required by law in such respect, under the same regulations, provisions, penalties, and forfeitures as such licences granted and held under."

Sect. 3 provides and enacts, "That every such maker of vinegar or acetous acid for sale as aforesaid shall make entry by delivering a particular account in writing of every house, building, room, vessel, and utensil intended to be used by him for the making of any vinegar or acetous acid for sale, in such form and manner directed by an act passed in the seventh and eighth years of his late majesty king George the Fourth, intituled 'An Act to amend and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland,' and an act passed in the fourth and fifth years of the reign of his late majesty king William the Fourth, intituled 'An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise,' and another act passed in the fourth year of the reign of her present majesty queen Victoria, intituled 'An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise,' and shall be subject to all and singular the rules, regulations, penalties, and forfeitures by the said last-mentioned acts imposed on persons requiring entry, and not making entry, of any house, building, or place, or utensil, required by any act or acts relating to the revenue of excise."

Sect. 4 provides and enacts, "That every such maker of vinegar or acetous acid for sale as aforesaid who shall have, possess, or use any still in his or her entered place or places for making vinegar, any still for rectifying, or purifying vinegar or acetous acid, or any materials prepared or preparing for making vinegar or acetous acid, shall have and use such still only under and subject to such regulations as the commissioners of excise shall from time to time order in such respect, on pain of forfeiting 100*l*."

Sect. 5. "That from and after the 5th day of July, 1844, the drawbacks now payable on flint glass shall cease and determine, and no longer paid or payable, save and except as to any arrears of such drawbacks which shall have been charged or become due, or any penalties which shall have been incurred by the commission of an offence in respect thereof under the laws of excise, or the payment of which shall become payable in respect of any flint glass exported after the said 5th day of July, 1844; and that in lieu of the said drawbacks there shall be raised, levied, collected, and paid throughout the United Kingdom the rates and duties of excise hereinafter mentioned; (that is to say,) for every one hundred pounds weight avoirdupois, and so in proportion for any greater or less quantity of the fluxed materials or materials or preparations whatever, by what name soever the same may be known, which shall be made for the purpose of making flint glass, a sum of 2*s*. 6*d*. and five per centum additional thereon; and that the said drawbacks there shall be allowed and paid the fold back; (that is to say,) for every one hundred pounds weight and so in proportion for any greater or less quantity, of flint glass in respect of which, or of the materials, metal, or other prepa-

each maker of flint glass shall have paid or may have been upon the fluxed materials, or metal, or other preparations such glass as aforesaid shall have been made: and whereas in and alteration of the duties on flint glass by this act it amend the above-mentioned clause; be it enacted, "That from the said 5th day of July, 1844, every maker of flint glass shall pay the duty of three farthings and five per centum, instead of 2d. per pound and five per centum thereon in an act passed in the third year of the reign of her said majesty entitled 'An Act for granting to Her Majesty Duties of Customs, 3 & 4 Vict. c. 37. assessed Taxes,' upon each and every pound weight of such glass as the said act of the first and second years of her said majesty

and whereas by the said act of the first and second years of her said majesty it is further enacted, that no drawback shall be allowed or payable on chandelier or ornamental drops of less than one ounce each, nor on any glass buttons or glass beads, nor on any glass goods or wares which shall not be good, fair, and marketable, perfectly manufactured of metal, fully and properly made and finished, by all rough, waste, and useless parts being taken off from, and of such quality as to be worth at least 5d. per pound of the duty, if made for or if the same had been made for home consumption, and which shall not have been previously exported; be it enacted, That from and after the said 5th day of July, 1844, such of the said recited act as requires, for the purpose of

The regulation of 1 & 2 Vict. c. 44, that no drawback be allowed on glass not worth 5d. per pound, exclusive of the duty, repealed as to flint glass.

obtaining a drawback, that any flint glass goods or wares of quality as to be worth at least 5d. per pound, exclusive of be repealed."

Sect. 9. " And whereas by the said act of the first and second years of the reign of her said majesty it is further enacted, that it shall be lawful for any maker of flint glass, or any other person, to open out any shade or cylinder made of white or uncoloured flint glass as hereinafter provided, on pain of forfeiting all such shade or cylinder so flattened out, and 100*l*.: Provided always, that makers may open out and flatten cylinders of white or uncoloured flint glass plates, such plates, when opened and flattened out, not exceeding in thickness than two tenth parts of an inch, nor of greater area than fourteen inches square; be it enacted, That from and after the 5th day of July, 1844, so much of the said act as is above recited be repealed."

Sect. 10. "That from and after the said 5th day of July not be lawful for any maker of flint glass, or any other person to flatten out any shade or cylinder, whether made of coloured flint glass, or to cast or press or otherwise manufacture any panes or plates which shall be of the dimensions of six inches by four inches in breadth, or which shall exceed such dimensions in length or in breadth, on pain of forfeiting all such flint glass and a penalty of 100*l.* for every such offence: Provided always that nothing herein contained shall be deemed or construed to prevent any person from manufacturing flint glass into prisms for deck lights, or illuminators for lanterns, or for doors, as such articles are commonly now so called and by makers of flint glass, provided the same are not manufactured by the opening or flattening of any shade or cylinder of such glass."

Sect. 11 provides and enacts, "That nothing herein contained or deemed or construed to affect a certain provision contained in the first and second years of her said majesty, whereby it is enacted, shall be lawful for the lords commissioners of her majesty from time to time to dispense with or alter the whole or any part of the said regulations, or to remit the whole or any part of the same, or to prescribe such other conditions and securities as they may think necessary or expedient, for the improvement or better preparation of glass fitted for the purposes of optical instruments or for the use of science."

Sect. 12. " And whereas it is expedient that provision sh^d be made for allowing the makers of flint glass to make and store, and to be sold or sent into consumption until after the said 5th day of July, when the duty now payable on flint glass is to cease and the new duty hereby imposed is to commence and take effect, That every maker of flint glass who shall intend to make or sell flint glass wares or commodities, not to be sold or sent into consumption before the 6th day of July, 1844, shall give three hours previous notice of such his intention in writing to the proper officer of excise, and in such notice shall specify some separate room or store, to be approved of by the commissioners of excise, for the keeping therein of all such flint glass wares and commodities which are intended to be so stored; and such maker of flint glass shall, from time to time, when giving notice for charging the pots in his kiln, also give like notice in writing to the proper officer of excise, of the flint glass to be made in that journey is flint glass not to be sent into consumption until after the 5th day of July, 1844, and shall be anxious of storing the same, and all such glass shall be made and stored in accordance with the regulations and shall be charged with the duties now in force, and as often as any notice for weighing such glass shall be given to the proper officer of excise, having received such notice, shall attend and weigh the same, and account of all such glass in the weighing room, and such as

Makers of flint glass enabled to make and store glass not to be sold or consumed before the time appointed for the duty now payable to cease.

commissioners of excise or their officers, or if any such maker of glass shall open or procure to be opened any such room or store, or any of the locks, keys, or fastenings thereof, or remove or cause to be removed any flint glass from or out of the same, or shall put or deliver any such flint glass so made to be stored, except such notice as is hereinbefore provided, or if on the said 6th day of July, 1844, or at any time previous thereto, the officers of excise shall find all such flint glass so stored and secured and unaltered, except as aforesaid, or if any such maker of flint glass shall use or practise any device to deceive any officer of excise in taking an account of such glass, or of any part of his stock, or to remove any part of such flint glass, or to evade any part of the duty on flint glass with which previous to the said 6th day of July, 1844, he might or would be chargeable, or to obtain any greater allowance under the regulations aforesaid than he is entitled to, then and in every such case the flint glass maker so offending shall forfeit all claim to any such allowance as aforesaid, and pay all the full duties now charged on such glass, together with any penalties or forfeitures which he may thereby incur under any laws of excise."

stored liable to full duty, together with penalties.

s 7 & 8 Vict. c. 28 (a), intituled "An Act for granting to Her Majesty, 7 & 8 Vict. c. 28. the Fifth Day of July One thousand eight hundred and forty-five, cer-

(a) See Vol. II., p. 572.

Excise and Customs.

7 & 8 Vict. c. 28.

Duties imposed by 6 & 7 Will. IV. c. 26, and 3 & 4 Vict. c. 17, continued till 10th November, 1844.

Duties from 10th November, 1844 to 5th July, 1845.

tain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four," [4th July, 1844] reciting, " most gracious sovereign, we, your majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in parliament assembled, towards raising the necessary supply to defray your majesty's public expences, have freely and voluntarily resolved to give and grant unto your majesty the duties hereinafter mentioned, and therefore do most humbly beseech your majesty that it may be enacted ; and be it enacted by the queen's most excellent majesty, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the duties imposed on sugar and molasses by an act passed in the session of parliament holden in the sixth and seventh years of the reign of his late majesty king William the Fourth, intituled ' An Act for granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year, One thousand eight hundred and thirty-six ;' and by an act passed in the session of parliament holden in the third and fourth years of the reign of the present majesty, intituled ' An Act for granting to Her Majesty Queen Victoria of Customs, Excise, and Assessed Taxes,' shall be further continued until the 10th day of November, 1844 ; and that from and after that day until the 5th day of July, 1845, in lieu of the duties now payable hereby continued thereon, there shall be charged the duties of customs following ; that is to say,

Sugar ; <i>videlicet</i> ,	£
Brown or Muscovado or clayed sugar, not being refined, the cwt.	3
The growth of any British possession in America, and imported from thence, the cwt.	1
The growth of any British possession within the limits of the East India Company's charter, into which the importation of foreign sugar is prohibited, and imported from thence, the cwt.	1
The growth of any other British possession within those limits, and imported from thence, the cwt.	1
And on sugar which shall be certified as hereinafter is mentioned to be the growth of China, Java, or Manilla, or of any other foreign country, the sugar of which her majesty in council shall have declared in manner hereinafter mentioned to be admissible as not being the produce of slave labour, and which shall be imported into the United Kingdom either from the country of its growth or from some British possession, having first been imported into such British possession from the country of its growth, the following duties, namely,	
Brown, Muscovado, or clayed, the cwt.	1
Molasses, the cwt.	1
The produce of and imported from any British possession, the cwt.	0
Sugar, refined, the cwt.	8
Candy, brown, the cwt.	5
— white, the cwt.	8

and so in proportion for any greater or less quantity than a hundred weight, together with an additional duty of five per centum on aforesaid rates of duty."

Collection of duties.

Sect. 2 enacts, " That the duties hereby continued shall be collected, paid, and accounted for in such and the like manner as if the said duties had been continued to the 5th day of July, 1845, and that the said duties of 1*l*. 14*s*. per hundred weight, with five per centum additional as aforesaid, shall be collected, paid, and accounted for in such and the like manner as the said duties hereby continued."

Power to her majesty by order

Sect. 3 enacts, " That from and after the 10th day of November 1844, it shall and may be lawful for her majesty and she is hereby

7 & 8 Vict. c. 28.

**in council to de-
clare sugars of
other countries to
be admissible as
not being the
produce of slave
labour.**

Certificates and declarations required.

**Certificate re-
quired in respect
of sugar from
China, &c.**

**Certificate re-
quired in respect
of such sugar if
imported from
British posses-
sions abroad.**

Excise and Customs.

7 & 8 Vict. c. 28.

Power to her majesty by order in council to declare that sugars of countries with which her majesty has treaties of reciprocity as to duties to be admissible at 34s. per cwt. and 5 per cent. additional.

If such treaty be conditional, order in council to state fulfilment of condition.

Bounties on certain descriptions of refined sugar.

Her majesty may allow importation of sugar the growth of certain British possessions at lower rate of duty.

Order in council may be revoked.

Order in council to be published.

given and received by any officer appointed for that purpose respective governments of such territories."

Sect. 7 enacts, "That with regard to sugar the growth of country, between which country and her majesty there is no any treaty or convention binding her majesty to grant to such either conditionally or unconditionally, the privileges of the nation, or to permit, either conditionally or unconditionally, of such country to be imported into the United Kingdom : duties as are imposed upon the like produce of any other shall be lawful for her majesty and she is hereby empowered to time, by any order or orders in council, to declare that from a day to be named in such order, not earlier than the November, 1844, brown Muscovado, or clayed sugars (notwithstanding the growth of such country, in case such treaty shall after the day of November continue to subsist, shall, if imported from such country, or from any British possession abroad, having been imported into such British possession from such country, be admitted for consumption in the United Kingdom at the aforesaid rate of 14s. per hundred weight, and five per centum additional as aforesaid, from and after the day so to be named in such order the same shall, if so imported as aforesaid, be so admitted notwithstanding subject nevertheless to the production of the like certificate making of the like declaration, as are hereinbefore required to sugars the growth of China, Java, or Manilla."

Sect. 8 enacts, "That in case the privileges granted by any foreign country in respect of which any order in council issued under the enactment lastly hereinbefore contained shall be granted conditionally, such order shall expressly declare that such country hath duly fulfilled the said conditions, and is entitled to such privilege."

Sect. 9 enacts, "That the respective bounties now payable by an act passed in the session of parliament holden in the fourth years of the reign of his said late majesty, intituled, 'An Act to grant certain Bounties and Allowances of Customs,' and an act passed in the session of parliament holden in the first and second years of the reign of her present majesty, intituled 'An Act for Her Majesty, until the Fifth Day of July One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight,' shall continue to be allowed and paid so long as the same shall remain in force, or be further continued by any act hereafter to be made."

Sect. 10 provides and enacts, "That if at any time satisfied that it shall have been laid before her majesty in council that the importation of foreign sugar into any British possession within the limits of the India Company's charter is prohibited, it shall be lawful for her majesty, by and with the advice of her privy council, or by her majesty in council, to be published from time to time in the *London Gazette*, to allow the importation of sugar, the growth of any such British possession, at the lower rate of duty in the said first-recited act specified in that manner, and under the same restrictions and conditions, as the growth of the presidency of Fort William in Bengal may be subject to a lower rate of duty under the provisions of the said first-recited act."

Sect. 11 enacts, "That it shall be lawful for her majesty, by order in council, from time to time to revoke or alter any order previously made under the authority of this act."

Sect. 12 enacts, "That every order in council to be made under the authority of this act shall, as soon as may be after the making of the same by her majesty in council, be published in the *London Gazette*."

to be and apply the same from time to time to such services as have been voted by the commons of the United Kingdom of Great Britain and Ireland in this present session of parliament; and so that all aid duties on sugar as shall arise and be payable in Ireland shall be paid into the receipt of the exchequer in Ireland, and shall be consolidated fund of the United Kingdom of Great Britain

Duties arising in Ireland to be paid into exchequer there.

acts, "That it shall be lawful for the said commissioners of the treasury at any time or times to cause any number of bills to be made out at the receipt of the exchequer at any sum or sums of money not exceeding in the whole, the sum or sums of money issued towards the aids or supplies of this act, the sum of 3,000,000*l*, in like manner as is in an act passed in the forty-eighth year of the reign of king George the Third, intituled 'An Act for regulating the issuing and paying of Exchequer Bills,' and in another act passed in the session of parliament holden in the fourth and fifth years of the reign of his late Majesty William the Fourth, intituled 'An Act to regulate the Office of His Majesty's Exchequer at Westminster:' and in another act passed in the session of parliament holden in the fifth and sixth years of the reign of her present majesty, intituled 'An Act for regulating the Preparation and Issue of Exchequer Bills.'"

The treasury may direct exchequer bills to be made out not exceeding 3,000,000*l*.

acts, "That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in several acts passed in the forty-eighth year of the reign of king George the Third, and in the fourth and fifth years of the reign of his said Majesty William the Fourth, and in the fifth and sixth years of the reign of her present majesty, shall be applied and extended to the exchequer bills to be made out in pursuance of this act, as fully and effectually to all intents and purposes as if the said several clauses or provisoes had been particularly re-enacted in the body of this act."

Powers of acts extended to this act.

acts, "That the exchequer bills to be made out in pursuance of this act shall bear an interest not exceeding the rate of 4*l*. per centum upon or in respect of the whole of the monies respectively therein."

Exchequer bills to bear an interest.

declares and enacts, "That it shall be lawful for the governor and company of the Bank of England

Bank of England

Excise and Customs.

7 & 8 Vict. c. 28.

vered to Bank of England as security for advances.

Exchequer bills to be charged on duties granted by this act.

Money due to be paid out of next aids.

Surplus monies to be carried to consolidated fund.

Treasurer to allow necessary charges of making forth new exchequer bills.

Monies issued to be replaced out of first supplies.

7 & 8 Vict. c. 73.

Her majesty, by order in council, may reduce the duties on foreign books and prints in cases in which copyright is allowed to the country of export under 7 & 8 Vict. c. 12;

her majesty's treasury to cause such bills as shall be prepared by or for the Bank of England, in such proportions as the public may require, as security for the advance or advances which may be made to her majesty by the said governor and company of the Bank of England under the authority of this act."

Sect. 20 enacts, "That the exchequer bills to be made forth by or for the Bank of England, together with the interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the duties granted by this act; and it shall be lawful for the said commissioners of her majesty's treasury from time to time to direct to be issued by the paymasters of exchequer bills, by way of imprest and upon account of sums of money, and at such periods, as the said commissioners think necessary, for or towards paying off and discharging the exchequer bills which shall have been made forth by virtue of this act, and for and towards paying the interest to become due on such bills or any of them."

Sect. 21 enacts, "That the monies remaining unsatisfied on account of the duties charged, with the interest due or to grow due thereon, shall be satisfied out of the next aid or aids to be granted in parliament after the 5th day of July, 1845."

Sect. 22 enacts, "That the surplus of the monies arising from the duties granted and imposed by this act, after paying off and discharging all the exchequer bills issued by virtue of this act, together with the interest that may become due thereon, shall, as a surplus of monies respectively, be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland."

Sect. 23 enacts, "That it shall be lawful for the said commissioners of her majesty's treasury to pay and allow, or cause to be paid at or out of the monies to arise of or from the said duties hereby granted, or of or from the said consolidated fund, from time to time, the charges of making forth the exchequer bills hereby authorized to be made forth, and such other charges as shall be necessarily incident to the execution of this act, or any part thereof, in relation to the duties hereby granted, anything herein contained to the contrary notwithstanding."

Sect. 24 provides and enacts, "That whatever monies shall be paid at or out of the said consolidated fund shall from time to time be replaced out of the first supplies to be thereafter granted by parliament, anything herein contained to the contrary notwithstanding."

By the 7 & 8 Vict. c. 73, intituled, "An Act to reduce, under special Circumstances, the Duties payable upon Books and Engravings, passed on the 21st August, 1844,] reciting that, by the 5 & 6 Vict. c. 47, and the 7 & 8 Vict. c. 12, intituled "An Act to amend the Law relating to International Copyright," it is amongst other things enacted, that it shall be lawful for her majesty, by any order in council, to grant unto the inventors, designers, engravers, or makers of any books, prints, or works of art first published in any foreign country specified in the said act, the privilege of copyright therein for certain periods, and under such conditions, in the said last-mentioned act defined and contained; and that it is expedient that provision should be made in the manner after mentioned for reducing, in cases where her majesty shall have issued any such order in council as aforesaid, the duties of customs payable on the importation of books and prints; it is therefore enacted, "That whenever and so often as her majesty shall by virtue of the power recited, by any order or orders in council, declare that the inventors, designers, engravers, or makers of any books, prints, or works of art first published in any foreign country shall have the privilege of copyright therein, then and in every such case it shall be lawful for her majesty, by any order or orders in council, to declare in respect of books and prints, or either of them, published in and imported from such foreign country, the duties of customs now payable on

been made."

That every order or orders in council issued under the authority of the act, within fourteen days after the issuing thereof, be twice published in the *London Gazette*;

That a copy of every order or orders in council issued under the authority of the act shall be laid before both houses of parliament within seven days after the issuing the same, if parliament be then sitting, and if not sitting, within seven days after the commencement of the then next session of parliament.

DULE to which the 7 & 8 Vict. c. 73 refers.

		s.	d.
Language or languages of the country of export, original or therein, or original works of that country in the dead or other works in the dead languages with original composed in that country	the cwt.	15	0
Published in the country of export, if printed prior to 1801	the cwt.	20	0
Printed in or since the year 1801	the cwt.	50	0
Rings, plain or coloured, single	each	0	0½
bound or sewn	the dozen	0	1½

Extortion.

[inferior courts, &c., see *Addenda*, title "*Inferior Courts*."

Fencing Matches.*See Addenda to, title "Gaming," post.***Fibes.***See Addenda to, title "Gaming," post.***Foot Ball.***See Addenda to, title "Gaming," post.***Foot Races.***See Addenda to, title "Gaming," post.***Foreign Country.**

6 & 7 Vict. c. 75.

By the 6 & 7 Vict. c. 75, intituled "An Act for giving effect to the Convention between Her Majesty and the King of the French for the apprehension of certain Offenders," [22nd August, 1843,] reciting that certain "Convention between her majesty and the king of the French signed at London on the 13th day of February, in the year 1843, the stipulations whereof were exchanged at London on the 13th day of February in the same year, it was agreed, 'that the high contracting parties should, on requisition made in their name through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of crimes of murder (comprehending the crimes designated in the penal code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery, or of fraudulent bankruptcy, committed within the jurisdiction of the requiring power, should seek an asylum or should be found within the territories of the other; provided that this should be done only when the commission of the crime should be so established as that the laws of the country should justify the apprehension and commitment for trial if the crime had been there committed, and it is by the said convention further stipulated, 'that on the part of the British government the surrender should be made only on the requisition of a judge or magistrate duly authorized to take cognizance of the crime charged against the fugitive in the warrant of arrest or other equivalent judicial document issued by a judge or competent magistrate in the country of the fugitive, and likewise clearly setting forth the said acts;' and it is by the said convention further stipulated and agreed, 'that the expences of apprehension and surrender made in virtue of the stipulations hereinbefore contained should be borne and defrayed by the government in whose name the requisition should have been made;' and it is by the said convention further stipulated and agreed, 'that the provisions of the said convention should not apply in any manner to crimes of murder, forgery, or fraudulent bankruptcy committed antecedently to the date thereof;' and the said convention further stipulated and agreed, 'that the said convention should be in force until after the 1st day of January, in the year 1844, after which date either of the high contracting parties should be at liberty to give notice to the other of its intention to put an end to it, and it should altogether cease and determine at the expiration of six months after the giving of such notice.'

made of such notice: and whereas it is expedient that provision should be made for carrying the said convention into effect: it is enacted, That in any requisition be duly made, pursuant to the said convention, in the name of his majesty the king of the French, by his ambassador or other accredited diplomatic agent, to deliver up to justice any person who, being accused of having committed, after the ratification of the said convention, the crime of murder (comprehending the crimes designated in the French

Foreign
Country.

§ 7 Vict. c. 78.

Certain offenders to be apprehended on requisition of the ambassador of the king of the French.

as terms assassination, parricide, infanticide, and poisoning), or of committing murder, or of forgery, or of fraudulent bank-ruptcies within the territories and jurisdiction of his said majesty the king of the French, shall be found within the dominions of her majesty, it shall be lawful for one of her majesty's principal secretaries of state, or in chief secretary of the lord lieutenant of Ireland, and in any of her majesty's colonies or possessions abroad for the officer administering the government of any such colony or possession, by warrant under his hand and seal, to signify that such requisition has been so made, and to direct the justices of the peace and other magistrates and officers of their several jurisdictions to govern themselves accordingly, to apprehend the person so accused and committing such offence, for the purpose of being delivered up to justice, according to the said convention, and thereupon it shall be lawful for the justices of the peace, or other person having power to commit for offences against the laws of that part of her majesty's dominions in which such supposed offender shall be found, to swear upon oath any person or persons touching the truth of such evidence as according to the laws of that part of her majesty's dominions would justify the apprehension and committal for such person so accused if the crime of which he or she shall be so seen there committed, it shall be lawful for such justice of the peace or other person having power to commit as aforesaid, to issue a warrant for the apprehension of such person, and also to commit the person so apprehended to gaol, there to remain until delivered pursuant to the said convention.

Provided, "That in every such case copies of the depositions and the original warrant was granted, certified under the hand of the persons issuing such warrant, and attested upon the oath of the persons producing them to be true copies of the original depositions, and in evidence of the criminality of the person apprehended."

Copies of the depositions may be given in evidence.

And it shall be lawful for one of her majesty's principal secretaries of state, or in chief secretary of the lord lieutenant of Ireland, or in any of her majesty's colonies or possessions abroad for the officer administering the government of any such colony or possession, under his hand and seal to order the person so committed to be delivered up to such person or persons as shall be duly authorized by the name of the said king of the French to receive the person so committed, and convey such person to the dominions of the king of the French, to be tried for the crime of which such person was accused, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to receive such person so charged with crime and committed as aforesaid to receive such person in custody, and take him or her to the dominions of the king of the French, pursuant to the said convention; and if the person so committed shall escape out of any custody to which he or she shall be committed, to which he or she shall be delivered as aforesaid, it shall be lawful for any person to retake such person, in the same manner as any person who shall escape out of any custody to which he or she shall be committed by crime against the laws of that part of her majesty's dominions, which he or she shall so escape may be retaken upon an indictment always, that no justice of the peace or other person shall issue a warrant for the apprehension of any such supposed offender, unless it shall have been proved to him, upon oath or by affidavit, that the person for whom such warrant is the bearer of a warrant of

Offenders to be delivered up.

*Foreign
Country.*

6 & 7 Vict. c. 75.

After two months
the persons ap-
prehended may
be discharged, if
not conveyed out
of her majesty's
dominions.

arrest or other equivalent judicial document, issued by a judi-
petent magistrate in France, authenticated in such manner
justify the arrest of the supposed offender in France upon
charge, or unless it shall appear to him that the acts charged
supposed offender are clearly set forth in such warrant of arre-
equivalent judicial document."

Sect. 4. "That where any person who shall have been comm-
this act, to remain until delivered up pursuant to requisition a
shall not be delivered up pursuant thereto, and conveyed
majesty's dominions, within two calendar months after such
over and above the time actually required for conveying the pr
the gaol to which he or she was committed by the readiest way
majesty's dominions, it shall in every such case be lawful for
majesty's judges in that part of her majesty's dominions in
supposed offender shall be in custody, upon application mad
them by or on behalf of the person so committed, and upon
to him or them that reasonable notice of the intention to make
cation has been given to some or one of her majesty's prince
of state in Great Britain, or in Ireland to the chief secretary
lieutenant of Ireland, and in any of her majesty's colonies or
abroad for the officer administering the government of any su
possession, to order the person so committed to be disch
custody, unless sufficient cause shall be shown to such judg
why such discharge ought not to be ordered."

Limits of the act.

Sect. 5. "That if, by any law or ordinance to be hereafter
local legislature of any British colony or possession abroad, pr
be made for carrying into complete effect within such colony c
the objects of this present act by the substitution of some
ment in lieu thereof, then it shall be competent to her majes
advice of her privy council, (if to her majesty in council it
meet, but not otherwise,) to suspend the operation within any
or possession of this present act so long as such substitute
shall continue in force there, and no longer."

Continuance of
act.

Sect. 6. "That this act shall continue in force during the
of the said convention."

6 & 7 Vict. c. 76.

By the 6 & 7 Vict. c. 76, intituled "An Act for giving effect
between Her Majesty and the United States of America for
hension of certain Offenders," [22nd August, 1843,] reciti
the tenth article of a treaty between her majesty and the Unit
America, signed at Washington on the 9th day of August,
1842, the ratifications whereof were exchanged at London
day of October in the same year, it was agreed that her maj
said United States should, upon mutual requisitions by the
ministers, officers, or authorities respectively made, deliver
all persons who, being charged with the crime of murder
with intent to commit murder, or piracy, or arson, or
forgery, or the utterance of forged paper, committed withi
diction of either of the high contracting parties, should se
lum or should be found within the territories of the other
that this should only be done upon such evidence of cri
according to the laws of the place where the fugitive or
charged should be found would justify his apprehension and c
for trial if the crime or offence had been there committed, s
respective judges and other magistrates of the two governm
have power, jurisdiction, and authority, upon complaint made
to issue a warrant for the apprehension of the fugitive or
charged, so that he might be brought before such judges or o
trates respectively, to the end that the evidence of criminalit
heard and considered, and if on such hearing the evidence
deemed sufficient to sustain the charge it should be the duty
amining judge or magistrate to certify the same to the prop

city, that a warrant might issue for the surrender of such fugitive, that the expence of such apprehension and delivery should be borne defrayed by the party making the requisition and receiving the fugitive, and it is by the eleventh article of the said treaty further agreed, the tenth article, hereinbefore recited, should continue in force until or other of the high contracting parties should signify its wish to terminate it, and no longer: and whereas it is expedient that provision be made for carrying the said agreement into effect; it is enacted, that in case requisition shall at any time be made by the authority of the United States, in pursuance of and according to the said treaty, for the delivery of any person charged with the crime of murder, or assault with intent to commit murder, or with the crime of piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of the United States of America, who shall be found in the territories of her majesty, it shall be lawful for one of her majesty's principal secretaries of state, or in Ireland for the chief secretary and lieutenant of Ireland, and in any of her majesty's colonies or possessions abroad for the officer administering the government of any colony or possession, by warrant under his hand and seal to signify such requisition has been so made, and to require all justices of the peace and other magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending a person so accused, and committing such person to gaol, for the purpose of being delivered up to justice, according to the provisions of the said treaty; and thereupon it shall be lawful for any justice of the peace or other person having power to commit for trial persons accused of crimes against the laws of that part of her majesty's dominions in which such supposed offender shall be found, to examine upon oath any witnesses or persons touching the truth of such charge, and upon such evidence according to the laws of that part of her majesty's dominions justify the apprehension and committal for trial of the person so accused if the crime of which he or she shall be so accused had been there committed it shall be lawful for such justice of the peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid." The remaining sections of this act are the same in effect as those in the corresponding act of 6 & 7 Vict. c. 75.

*Foreign
Country.*

6 & 7 Vict. c. 76.

Certain offenders
to be apprehended
on requisition of
the United States.

Forgery.

the 7 & 8 Vict. c. 22, intituled "An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in England," [4th July, 1844,] reciting the passing of the 3d Geo. III. c. 59, and that by 38 Geo. III. c. 69, it is enacted, that after the said 1st day of October, 1798, if any person shall forge, counterfeit, or cause or procure to be cast, forged, or counterfeited, the mark or stamp used or directed to be used in pursuance of an Act for the marking or stamping of gold plate by the company of Goldsmiths in London or Edinburgh, or the Birmingham or Sheffield companies, or by the wardens or assayer or assayers at York, Exeter, Chester, Norwich, or Newcastle-upon-Tyne, or any or either of them, or shall cast, forge, or counterfeit, or shall cause or procure to be cast, forged, or counterfeited, any mark, stamp, or impression, in imitation of or to resemble any mark, stamp, or impression made or to be used with any mark or stamp used or to be used as aforesaid by the said company of Goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them, or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold, or any wares of silver,

7 & 8 Vict. c. 22.

other metal as aforesaid, with any such forged or counterfeit impression thereon, or any mark, stamp, or impression which shall be transferred or removed from any of the said marks, stamps, or impressions to be forged or removed as aforesaid, or shall wilfully make or possess of any mark or stamp which hath been made or used in imitation of and to resemble any mark, stamp, or impression as aforesaid by the said company of Goldsmiths of London, or by the said Birmingham and Sheffield Goldsmiths, or any or either of the said warden or assayer or assayers, or any or either of the said persons offending in any such or either of the cases aforesaid, shall be adjudged guilty of a felony, and shall be transported to such parts beyond the seas as his Majesty's privy council shall direct, for the space of seven years: and it is expedient to simplify the said laws, and to make further provision for the better ordering in the marking of and dealing in gold and silver, that the said laws be repealed, so far as the same relate to the Kingdom of England, except as to offences committed before this act shall come into operation, which shall be deemed as if this act had not been passed: and the said laws be repealed by the said act passed in the thirty-eighth year of the said late Majesty King George the Third as is hereinbefore recited.

Section 2. "That every person who shall forge or counterfeit any such mark, stamp, or impression, or any part of any die or other instrument, or shall be proved or used by the company of Goldsmiths of London, or by any of the several companies of goldsmiths in the towns of Exeter, Bristol, Chester, or Norwich, or the town of Lynn, or by the companies of guardians of the staple in the towns of Sheffield or Birmingham respectively, or stamping of any gold or silver wires; and every

...aforesaid, knowing the same respectively to have been forged,
, imitated, marked, transposed, or removed; and every per-
cut or sever from any ware of gold or silver any mark or any
mark of any die or other instrument provided or used or to
or used as aforesaid, with intent that such mark or such part
shall or may be placed upon or joined or affixed to any other
or silver, or to any ware of base metal; and every person
use upon or join or affix to any ware of gold or silver, or any
metal any mark of any die or other instrument provided or
provided or used as aforesaid, which shall have been cut or
any ware of gold or silver; and every person who shall,
to defraud her majesty, or any of the said several companies
and guardians respectively, or any person whatever, use
die or other instrument provided or used or to be provided
aforesaid, and every person counselling, aiding, or abetting any
; shall be guilty of felony, and shall, at the discretion of the
be transported beyond the seas for any term not exceeding
s nor less than seven years, or be imprisoned with or without
for any term not exceeding three years."

cutting or severing
marks with intent
to affix upon other
wares;

affixing any mark
cut or severed
from any other
ware;

or fraudulently
using genuine
dies;

Felony:

Punishment.

That every dealer in gold or silver wares who shall sell or
expose or keep for sale, or shall export or import, or attempt
import, from or to England, or who shall have in his posses-
lawful excuse (the proof whereof shall lie upon him) any
or silver, or any ware of base metal, having thereupon any
forged or counterfeit die or other instrument as aforesaid, or
or counterfeit mark or imitation of a mark of any die or other
provided or used or to be provided or used by any of the
anies of goldsmiths and guardians aforesaid for marking gold
res, or having thereupon any mark which shall have been
or removed thereto from any other ware of gold or silver, shall
h ware so sold or exchanged, or exposed or kept for sale, or
imported, or attempted to be exported or imported, or
so be in his possession as aforesaid, forfeit and pay the sum
h may be sued for and recovered by any of the several com-
oldsmiths and guardians aforesaid in manner hereinafter

Penalty on dealer
selling, &c. or
having in his pos-
session any wares
with forged
marks.

That every such dealer in gold or silver wares who shall

Forgery.

7 & 8 Vict. c. 22

N.B. is exempt
persons from the
consequences of
forgery with
guilty knowledge.

Where any alter-
ations or addi-
tions are made,
the ware as alter-
ed or added to
shall be again as-
sayed, and marked
as new, and duty
paid upon the
whole

Proviso for cases
where an addition
only is made to
any ware.

Penalty upon any
dealer altering or
adding to any
ware without
bringing same to
be re-assayed,
and re-marked, or
if only of a certain
weight, without
procuring the as-
sent of any com-
pany thereto ;

town, or place in which such person shall reside, or shall transact his said trade or business, the name and place of all actual manufacturer of any such ware of gold or silver, or of metal, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively shall be and he is hereby exempted from any penalty or forfeiture incurred by reason of so sold or exchanged, or exposed or kept for sale, or exported or attempted to export or import, or having in his possession any ware of gold or silver, or ware of base metal, as aforesaid, any in before contained to the contrary thereof notwithstanding always, that nothing herein contained shall extend to exempt from the legal consequences of uttering or of having in his possession such ware as aforesaid, knowing the same to be marked with counterfeit die or other instrument, or knowing the mark thereof forged, counterfeited, imitated, transposed, or removed, if such shall be duly proved in any criminal prosecution or proceeding against such person for any such offence."

Sect. 5. "That if any ware of gold or silver which shall be duly assayed and marked at an assay office of any of the several companies of goldsmiths or guardians aforesaid shall at any time after the passing of this act be altered, either by any addition made thereto, or otherwise, so that the character or denomination of such ware, or use or purpose for which the same was originally made, shall be changed, or if any such ware of gold or silver shall after the passing of this act have any addition made thereto (of any character, denomination, use, or purpose shall not be changed by any such addition), the weight of which said addition shall be a greater proportion to the original weight of such ware than the weight of such addition to every pound troy weight of such ware, every such ware so altered or added to as aforesaid shall be brought to the assay office of some one of the several companies of goldsmiths or guardians aforesaid, and shall be assayed and marked as new, and as if no part thereof had been before assayed, and no duty shall be paid upon any former assay thereof, or the marks of any such former assay shall be removed, and the duty shall be paid upon the whole weight of such ware, and of every addition thereto (if any shall be made or added), without any allowance for the duty which may have been before paid upon any such ware, or any part thereof: Provided that if any ware of gold or silver shall have any such addition made thereto as last aforesaid, and the whole weight of such addition shall not bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound weight of such original ware, and so that the character or denomination, use or purpose, of such ware, shall not be changed, it shall be sufficient for the company of goldsmiths or guardians at any such assay office to assay and mark the addition thereto only to be assayed and marked, and to take the duty on the weight of such addition thereto only; provided that before any such addition shall be made thereto the said ware shall be brought to such office for the inspection of such company of goldsmiths or guardians aforesaid, and the nature and extent of the intentions thereto shall be fully explained to such company, and the company shall signify their assent to the making of such addition: And every dealer in gold or silver wares who shall by any means ever alter or change the character or denomination of any ware of gold or silver which shall have been before assayed and marked at the office of the several companies of goldsmiths or guardians aforesaid, so that the use or purpose for which the same was originally made shall be changed, and every dealer in gold or silver who shall make or affix, or cause to be made or affixed, any mark upon any ware of gold or silver which shall have been before assayed

the original weight of such ware than four ounces weight on to every pound troy weight of such original ware, without sending such last-mentioned gold or silver ware so added said, with every addition intended to be made thereto, to some of some one of the several companies of goldsmiths or assayers, for the inspection of the said company, and fully to the nature and extent of the intended addition thereto to the said company, and obtaining and procuring the assent of the said company, before any such addition shall be made, and every dealer in gold or silver wares who shall sell or expose or keep for sale, or export or attempt to export from England, shall have in his possession, any such ware of gold or silver which have been so altered, changed, or added to as aforesaid, the addition thereto, not having been so assayed and marked as aforesaid, for every such ware forfeit and pay the sum of 10*l.*, which shall be paid and recovered by any of the several companies of goldsmiths or guardians aforesaid respectively in the manner hereinafter provided, and every such ware of gold or silver, if found at any house, where any such dealer in gold or silver wares shall carry on his trade or business, shall and may be lawfully seized by any of the several companies of goldsmiths or guardians aforesaid, and the same shall be dealt with as hereinafter is directed."

and upon every dealer selling such ware without the same being marked :

and such ware to be seized.

That every such dealer in gold or silver wares who shall alter, exchange, or exposed or kept for sale, or exported or attempt to export from England, or had in his possession, any such ware which shall have been so altered, changed, or added to as aforesaid, or the addition thereto not having been so assayed as aforesaid, and shall within twenty-one days next after the seizure thereof to him given by any of the several companies of goldsmiths or guardians aforesaid, or left at his usual place of abode, or at his shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such dealer shall reside, or shall carry on or transact his said trade or business, the place of abode of the actual manufacturer of any such ware as aforesaid, or of the person or persons from whom

Dealers to be exempted in certain cases.

Forgery.

7 & 9 Vict. c. 22.

Infringe to penalty
of 5*l*.the officer to be
dismissed :and every such
ware to be seized.Dealer to enter
every place
wherein he shall
carry on his busi-
ness or deposit
wares, &c.Penalty 5*l*.Penalty for any
dealer erasing,
obliterating, or
defacing any
mark.

upon-Tyme, or either of the companies of guardians of the wrought plate in the towns of Sheffield or Birmingham respectably mark, or permit or suffer to be marked, any ware of base metal or other instrument used or to be used by any such marking gold or silver wares to denote that the same is of allowed and required by law, every such company of guardians aforesaid to which any such assayer or officer shall by whom such person shall be employed shall for every offence forfeit and pay to her majesty the sum of 20*l*., which may be recovered in such and the like manner as penalties received by any act in force relating to stamp duties are to be sued for by law ; and every such assayer or other officer or person aforesaid upon complaint or information made thereof by any justice of the peace having jurisdiction of such offence shall be committed, upon the oath of one or more persons (which oath such justice is hereby required to administer), and upon being convicted thereof such justice, shall be by him forthwith dismissed and discharged from the office and employment of or in the company of guardians aforesaid ; to or in which he shall have so been employed as aforesaid, and shall be incapable for ever holding any office or employment either in or under the other of the companies of goldsmiths or guardians aforesaid ware of base metal so marked as last aforesaid, when in the possession of any dealer, or of any officer of the companies of goldsmiths or guardians aforesaid, shall and may be lawfully seized by any officer of the companies of goldsmiths or guardians aforesaid, or by any company to which the offending officer belongs, or by whom employed, and shall be dealt with as hereinafter is provided.

Sect. 5. " That every dealer in gold or silver wares who shall or may from time to time enter at such hall or office of any of the companies of goldsmiths or guardians aforesaid where his private mark has already been or may be entered the particulars of every house, shop, and other place in which he shall or may from time to time transact or carry on any trade or business, or in which he shall or may from time to time deposit any gold or silver wares, in order that an entry may be made at such hall or office of every such house, shop, and other place as aforesaid ; and every such dealer in gold or silver wares shall fail, neglect, or refuse to give any such particulars as shall be required to cause such entry of the same to be made as aforesaid, shall for every such offence forfeit and pay the sum of 5*l*., which may be recovered in the manner hereinafter provided by the companies of goldsmiths or guardians aforesaid in respect whereof such offence shall have been made."

Sect. 9. " That every dealer in gold or silver wares who shall or may from time to time enter at such hall or office of any of the companies of goldsmiths or guardians aforesaid where his private mark has already been or may be entered the particulars of every house, shop, and other place in which he shall or may from time to time transact or carry on any trade or business, or in which he shall or may from time to time deposit any gold or silver wares, in order that an entry may be made at such hall or office of every such house, shop, and other place as aforesaid ; and every such dealer in gold or silver wares shall fail, neglect, or refuse to give any such particulars as shall be required to cause such entry of the same to be made as aforesaid, shall for every such offence forfeit and pay the sum of 5*l*., which may be recovered in the manner hereinafter provided by the companies of goldsmiths or guardians aforesaid in respect whereof such offence shall have been made."

either of such offences shall be suspected to be committed, he is hereby required, upon information or complaint made reasonable or probable cause of suspicion, by or on behalf of several companies of goldsmiths or guardians aforesaid, and of one or more credible person or persons (which oath such officer is empowered and required to administer), to grant a warrant directed to any one or more of the officers of any of the companies of goldsmiths or guardians aforesaid, together with one or other peace officer named in such warrant, authorizing each such officer of the said companies respectively, and such other peace officer as aforesaid, with necessary and proper force, to enter in the day-time into any such house, shop, or place as any other house, shop, or place of any such suspected person, to search the same, and to seize and take away every such counterfeit die or other instrument, and every such ware as shall there be found; and all constables and other peace officers are hereby required to be aiding and assisting in the execution of every such warrant as aforesaid; and every such forged counterfeit die or other instrument, and every such ware as aforesaid, found, seized, and taken, shall and may be dealt with as provided: Provided always, and it is hereby declared that the act contained shall authorize the search for or seizure of such by the laws now in force are not required to be marked by any of the companies of goldsmiths or guardians aforesaid, the wares following; namely, watch rings, watch keys, earrings, necklaces, eyeglasses, spectacles of gold, shirt bracelets, head ornaments, waist buckles."

Nothing herein
to authorize the
search for or
seizure of wares
not required to be
marked.

Forgery.**7 & 8 Vict. c. 22.****False dies and
wares seized, how
to be disposed of.**

Sect. 12. "That every die, punch, or other instrument which be lawfully seized or taken under this act by the said company of goldsmiths in London, or by any of the several companies of goldsmiths or guardians aforesaid, or by any officer of any of the said companies respectively, shall be broken, detained, and destroyed by such officer, and every such ware so seized or taken as aforesaid, if it shall be to the satisfaction of the court or justice or justices before whom proceedings shall be had in respect of such ware that the same has been seized and taken under the provisions of this act, shall be broken and defaced; and in case it shall be shown to the satisfaction of the court or justice or justices that the dealer from whom the same shall be seized or taken had such ware in his possession, knowing the same to be marked with a forged or counterfeit die or other instrument, or knowing the mark thereupon to be forged, counterfeit, imitated, or removed, or knowing such ware to have been altered, changed, or to be as aforesaid (the same or the addition thereto not having been marked as required by this act), or knowing such ware to be of base metal; then and in every such case, and likewise in every case in which such ware has been seized or taken from any officer of any of the said companies or guardians aforesaid as being of base metal and not lawfully marked, every such ware so broken and defaced shall be sold and the metal thereof shall be sold and disposed of, and the proceeds thereof shall be entered in the book of account of receipts and paid to the assay office belonging to the said company by whom such ware shall have been so seized or taken, and applied towards defraying the general expenses of the assay office, and in the prosecution of offenders under this act; except as aforesaid, every such ware so seized and taken, broken, and defaced, shall be given back to the dealer from whom it was so seized and taken."

**Limitation of
actions.****Venue local.****Notice of action.****General issue.**

Sect. 13. "That all actions and prosecutions which shall be commenced against any person for any thing done in pursuance of the authority of this act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards; and shall be brought and tried in the county or place where the cause shall arise, and not elsewhere; and notice in writing of such cause of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this act in evidence at any trial to be had thereupon; and if any such action shall be brought after the expiration of such three calendar months, or if brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if ten pounds or more in amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced, by or on behalf of the defendant, the jury shall not find a verdict for the defendant; and if a verdict shall pass for the plaintiff, the plaintiff shall become nonsuit or shall discontinue his action, or if, on demurrer or otherwise, judgment shall be given for the plaintiff, the defendant shall recover his full costs of suit, including attorney's fees for counsel, attorney and client, and shall have the like remedy for the recovery of his costs as the defendant may have for cost of suit in other cases at law; and if a verdict shall be given for the plaintiff in any such action, the defendant shall not have costs against the defendant, unless the judge before whom the trial shall be had shall at the time of such trial certify that the action was brought with impropriety, and of the verdict obtained thereon."

**Tender of
amends.****Costs.****Construction and
interpretation of
terms.**

Sect. 14. "And for the better interpretation of this act, the frequent use of divers terms and expressions, be it enacted that the following terms and expressions shall have the several meanings and significations hereunto respectively annexed, to wit:—"

pectively set forth: (that is to say,) the term 'base' shall mean and include every goldsmith and silversmith, or, maker, and manufacturer of and trader and dealer in wares; and the term 'die' shall mean and include any or instrument whatever, by means whereof any mark can be upon any metal whatsoever; and the term 'her majesty' shall mean and include any mark, stamp, or impression with any die or other instrument, or produced by any other person upon any metal whatsoever; and the term 'ware' shall include any plate, vessel, article, or manufacture of any kind; and whenever in this act, with reference to any person or persons, or to any persons or matters or things, the singular or the masculine gender only is expressed, such expressions shall be understood to include several persons or matters or things, as well as one person or matter or thing, and one person, matter, or thing, as several persons or matters or things, females as well as males, and as politic or corporate as well as individuals, unless it be otherwise expressly provided, or the subject or context be repugnant to the same."

And whereas all gold wares of the standard or fineness of twenty-two carats of fine gold in every pound troy assayed by any of the Goldsmiths and Guardians are by certain statutes now in force to be marked with the same mark as that with which all silver wares of the standard or fineness of eleven ounces and two pennyweight as aforesaid, are required to be marked, (that is to say,) with the mark of the lion passant, in order to denote the standards thereof, and whereby great facilities to frauds are afforded, and extensive injury is committed by dealers in gold and silver wares; and it is enacted, That from and after the first day of January next, there shall be struck or marked by the said company of Goldsmiths in the City of London, and by the several companies of Goldsmiths in the Cities of Exeter, Bristol, Chester, and Norwich, and the town of Newcastle-upon-Tyne, and the Company of Guardians of the Standard in the town of Birmingham, upon all gold wares of the fineness of twenty-two carats of fine gold in every pound troy, and upon all silver wares of the standard or fineness of eleven ounces and two pennyweight, respectively to be assayed, the mark of a crown and the mark of the lion passant."

That the rules, directions, powers, privileges, pains, penalties, causes, matters, and things enacted or provided in and by the several laws and statutes of this realm now in force in relation to the mark of the lion passant on gold wares of the standard or fineness of twenty-two carats in the pound troy, and assayed as aforesaid, and also the die used for making the said mark of the lion passant, shall be continued, applied, practised, and put in execution in relation to the said mark of a crown and the figures 22 hereby directed to be used for the gold wares aforesaid, and also relating to the die used for making the said mark, as fully and effectually, to all intents and purposes, as if the same rules, directions, powers, privileges, forfeitures, causes, matters, and things were again enacted and enacted in and by the present act, any thing in any law or statute now in force or any of them contained to the contrary notwithstanding."

That this act shall not extend to Scotland or Ireland."

That this act shall come into operation on the first day of January next."

Forgery.

7 & 8 Vict. c. 22.

Base metal.

Dealer.

Die.

Her majesty.

Mark.

Ware.

After 1st Oct. 1844, gold wares of a certain standard to be marked with a crown and the figures 22 instead of the lion passant.

Extending the powers, penalties, and provisions concerning the marks formerly used to the marks directed to be made use of by this act.

Limitation of act. Commencement of act.

France.

See ante, Addenda to, "Foreign Country."

Friendly Society.

Friendly Society. A SOCIETY established for the purpose of lending the more the contributions of its members to the members themselves in a friendly society within the statutes 10 Geo. IV. c. 56, and 4 Geo. IV. c. 40. (*Reg. v. Scott*, 13 *Law J.*, N. S., *Mag. Cas.* 70.)

Game.

Game.

THE provisions of the 52 Geo. III. c. 93, that convictions without game certificates shall be entered and registered with the commissioners of taxes of the district, and returned to the justice of the peace, are directory only; and where this has been omitted the conviction is not therefore void; but the convicting magistrate may be punished for not complying with the directions of the statute. (*v. Barker*, 1 *Car. & Kir.* 101.)

By sect. 9 of 6 & 7 Will. IV. c. 65, relating to trespasses upon land in pursuit of game, it is enacted "That upon information made or exhibited before a justice of the peace of any offence as aforesaid, it shall not be necessary that the charge containing the information should be made on the oath of the informer or on the oath of such case; provided that before any proceeding shall be taken upon such information, either for summoning the party accused or compelling his appearance to answer the same, the charge containing the information shall be deposed to on the oath of some other persons, being a credible witness or credible witnesses. And under this section was as follows:—

Staffordshire, } *Be it remembered, that, on, &c., at, &c., Sir O. to wit. } credible witness, in his proper person, came W. F. C., one of the justices, &c., and giveth me, the said justice, to stand and be informed, that R. R. of, &c., did, on, &c., at, &c., commit a certain trespass, by entering, in the day-time of the same date, a certain close of land, in the possession and occupation of J. W., to the pursuit of game, contrary to the statute, &c.; whereby, and by the said statute, R. R. has forfeited a sum of money not exceeding 2l., &c. The said information having been also verified upon the oath of W. A., of, &c., a credible witness, before me, the said justice; whereupon the said justice prays that the said R. R. may be forthwith summoned to appear before the said justices, to answer the said information, and make his defence.*

Exhibited by Sir O. M., and sworn before me the day and year above written.

There was no other document deposing to the charge containing the information:—Held, that this information alone was not in compliance with the above section to give two magistrates jurisdiction to entertain the charge. (*Reg. v. Scotton*, 13 *Law J.*, N. S., 1844.)

7 & 8 Vict. c. 29.

By the 7 & 8 Vict. c. 29, intituled "An Act to extend the provisions of the Ninth Year of King George the Fourth, for the more effectual suppression of Persons going armed by night for the Destruction of Game," reciting that by the 9 Geo. IV. c. 69, it is enacted that if any person shall, after the passing of the said act, by night take or destroy any game or rabbits in any land, whether inclosed or not, such offender should, upon conviction thereof, be liable to be punished, and to find good behaviour, as in the said act specified; and it was further enacted that

at if any person should be found upon any land committing offence as is hereinbefore mentioned such person might be apprehended, and committed to custody, and in case of any violence should be punished as in the said act is set forth: the provisions of the said act have of late years been evaded, by the destruction, by armed persons at night, of game or upon open or inclosed lands, as described in the said act, but in roads and highways, and other roads and paths leading to such lands, and also at the gates, outlets, and openings between lands, and roads, highways, and paths; so that not only destruction of game or rabbits not been prevented, but the risk and other grievous offences contemplated by the said act has increased, and great danger and alarm occasioned to persons using roads, highways, and paths; and it is expedient that the remedies by the said act against such offences as hereinbefore mentioned be extended and applied to the like offences committed on roads, highways, and paths: it is therefore enacted "That after the passing of this act all the pains, punishments, and penalties imposed by the said act upon persons by night unlawfully destroying any game or rabbits in any land, open or inclosed, set forth, shall be applicable to and imposed upon any person, unlawfully taking or destroying any game or rabbits on any land, highway, or path, or the sides thereof, or at the openings, gates from any such land into any such public road, highway, or the like manner as upon any such land, open or inclosed; and it shall be lawful for the owner or occupier of any land adjoining either part of such road, highway, or path where the offender shall be a gamekeeper or servant of such owner or occupier, and any constable or other person, and for all the persons authorized by the said act, to apprehend any offender against the provisions of the said act; and the said act, and all the powers, provisions, authorities, jurisdictions therein or thereby contained or given shall be as if the said act had been specially set forth." (See Vol. II. p. 267.)

Game.
7 & 8 Vict. 29.

Punishments and forfeitures imposed by the recited act on persons by night destroying game or rabbits in any open or inclosed land to apply to persons by night destroying game or rabbits on any public road, &c.

Gaming and Lotteries.

7 & 8 Vict. c. 109, as to art-unions; *ante*, *Addenda*, "*Art-Union*." Act. c. 3, intituled "An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Cases under the Provisions of several Statutes for the Prevention of Gaming, and to prevent any Proceedings being taken under such Statutes during such limited Time," [5th March, 1844,] reciting that by the 9 Anne, c. 14, it is among other things enacted, that from the said 1st day of May, 1711, any person or persons whatsoever shall at any time or sitting, by playing at cards, dice, tables, or any other game or games whatsoever, or by betting on the sides or hands of any game, or do play at any of the games aforesaid, lose to any one or more persons so playing or betting, in the whole, the sum or sums of money, and shall pay or deliver the same or any part thereof, the persons so losing and paying or delivering the same shall be at liberty within three months then next, to sue for and recover the money so lost and paid or delivered, or any part thereof, from the person or persons so winning and receiving the same, with costs of suit, by action of debt or otherwise, and that by this act, to be prosecuted in any of her majesty's courts of law or equity, in which actions or suits no essoin, protection, wager of law, or other matter of law or equity shall be allowed; and that in any such action it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to the plaintiff, or received to the

Gaming and Lotteries.
7 Vict. c. 3.

9 Anne, c. 14.

16 Car. II. c. 7.

10 Will. III. l.

similarly intitled, passed in the parliament of the tenth year of the reign of her said majesty: and whereas by the sixteenth year of the reign of his majesty king Charles the second an act was passed, intituled "An Act against deceitful, disorderly, and excessive gaming," is amongst other things enacted, that if any person or persons shall at any of the games in the said act enumerated and set down, or shall bet on the sides or hands of such as do or shall play at any of the said games, or shall lose any sum or sums of money or other thing or things exceeding the sum of 100*l.* at any one time or meeting, or otherwise, and shall not pay down the same at the time they shall so lose the same, the party and parties who shall win the said monies or other things or things so played for above the said sum of 100*l.* shall not in that case be compelled or compellable to pay or make good the same, nor shall any judgments, statutes, recognizances, mortgages, covenants, bonds, bills, specialties, promises, covenants, or other acts, deeds, and securities whatsoever which shall be made, given, acknowledged, or entered into for security of or for the same or any part thereof, shall be utterly void in law and effect, and that the said person or persons so winning the said other things shall forfeit and lose treble the value of the said sums of money or other thing or things which he shall so win, obtain, or acquire above the said sum of 100*l.*, the one moiety thereof to such person or persons as shall prosecute the same within one year next after the time of such offence committed, and the other moiety to the person or persons who shall sue for the same by action of debt, bill, plaint, or information in any of his majesty's courts of record at Westminster, wherein no wager of law shall be allowed; and that every person who shall sue as plaintiff, informer or informers, shall in every such action have and receive his treble costs against the person or persons offending and forfeiting as aforesaid, any law, custom, or statute to the contrary notwithstanding: and whereas provisions to the same effect as those last above recited are contained in an act similar to the said act, passed in the parliament of Ireland in the tenth year of the reign of his majesty king William the Third: and whereas several persons

**Gaming and
Lotteries.**

7 Vict. c. 8.

Proceedings commenced by common informers, or persons other than actual losers, for penalties incurred by playing at or betting on certain games to be stayed on application to the court in which they were commenced or to a judge.

and that during such limited time no proceedings should for the future be commenced in such cases by any common informer, or any person but the actual loser; it is therefore enacted, "That immediately after the passing of this act it shall be lawful for any person against whom any writ, writ of summons, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted by or at the suit of any common informer, or person other than the actual loser, on or before the day of the passing of this act, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred, under the said provisions of the said act passed in the ninth year of her said majesty queen Anne, or of the said act passed in the sixteenth year of his said majesty king Charles the Second, or of any other act, by playing at any of the sports or pastimes mentioned in the schedule hereunto annexed, and of any variety of any of the said sports, pastimes or games, and of any sport, pastime, or game of a like or similar description to any of the sports, pastimes, or games to which a different name may, by general or local usage, be appropriated, or by betting on the sides or hands of such as did play thereat, such playing or betting being alleged to have taken place previously to the 1st day of June, 1844, to apply to the court in which such original writ, writ of summons, suit, action, bill, or information shall have been sued out, commenced, or prosecuted, to any judge of either of the superior courts at Westminster, to order that proceedings shall be stayed for three calendar months from the end of the present session of parliament; and every such judge, as the case may be, is hereby authorized and required, upon such application, and proof that sufficient notice has been given to the plaintiff or informer, or to his attorney, of the application, and being satisfied by affidavit or otherwise that such proceedings have been commenced for the recovery of such forfeiture or pecuniary penalty as aforesaid, to make such order as aforesaid; and upon the making of such order aforesaid all further proceedings on such writ, writ of summons, suit, action, bill, plaint, or information shall be forthwith stayed and suspended as aforesaid."

2. "That immediately after the passing of this act it shall be lawful for any person against whom any proceeding or proceedings shall have been commenced or prosecuted by or at the suit of any common informer in Ireland on or before the day of the passing of this act, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred under the said provisions of the said act passed in the ninth year of her said majesty queen Anne, or of the said act passed in the sixteenth year of his said majesty king William the Third, or of any other act, by playing at any of the said sports or pastimes, or by betting on the sides or hands of such as did play at the same, such playing or betting being alleged to have taken place previously to the 1st day of June, 1844, to apply to the court or a judge in Dublin in like manner, and such court or judge shall proceed in like manner and make such order as is hereinbefore directed to be done in the like proceedings commenced by any common informer in England."

3. "That from and after the passing of this act no proceeding or proceedings whatever shall be commenced or prosecuted by any common informer, or person other than the actual loser, his executors or administrators, in the United Kingdom of Great Britain and Ireland, under the above recited provisions of the said acts, or any or either of them, or under any other act, for any forfeiture or pecuniary penalty incurred or supposed to be incurred by playing at any of the said sports or pastimes, or by betting on the sides or hands of such as do play at the same, before the 1st day of June, 1844."

4. "That no indictment or other criminal proceeding whatsoever shall be presented or prosecuted against any person for winning or losing by playing or betting at or on any of the said sports or pastimes, or by betting on the sides or hands of such as do play thereat, without

The like remedy in cases where penalties may have been incurred under the Irish acts.

Restricting proceedings by any common informer, &c. under any of the above provisions after the passing of this act.

Actions not to be brought without the consent of the attorney general.

Rowing matches.	Tennis.	Foot
Sailing matches.	Fives.	
Coursing matches.	Racquets.	

7 & 8 Vict. c. 58. AND by 7 & 8 Vict. c. 58, intituled "An Act further
End of the next Session of Parliament, Proceedings
under the Provisions of several Statutes for the Prevention
Gaming; and to prevent any similar Proceedings by
those Statutes during such further limited Time," [reciting the passing of the 7 & 8 Vict. c. 3: and that
as well all the proceedings which were stayed or suspended
to be stayed or suspended, by the operation of that act
or suspended for a further period, and that no other pro
cedure should be commenced or proceeded with during
period; it is enacted, "That all the actions, suits, or
which before the passing of this present act shall have
commenced, or prosecuted for the recovery of any forfeiture
penalty incurred or supposed to have been incurred under
of the several acts of parliament recited in the said recited
either of them, by playing at any of the sports or pastimes
the schedule annexed to the said recited act, or at any
any of the said sports, pastimes, or games, or at any
game of a like or similar description to any of the said
or games, to which a different name may by general
appropriated, or by betting on the sides or hands of
thereat, whether any order of any court or judge shall
therein or not, shall be and the same hereby are stayed
until the end of the next session of parliament; and that
or other proceeding shall be brought, commenced, or
purpose of recovering any forfeiture or pecuniary penalty
supposed to have been incurred, under the provisions
recited in the said recited act, or any or either of them,
of the said sports or pastimes mentioned in the schedule
said recited act, or at any *bona fide* variety of any
pastime or game, shall be and the same hereby are stayed

Suspending
actions for
penalties.

and judgment or judgments to be entered for such defendants."

Gaols.

that all the said recited act of the present session of parliament relates to all other powers, provisions, matters, and contents, shall continue in force until the end of the next session."

7 & 8 Vict. c. 53.
Continuing provisions of recited act.

Gaols.

to a *habeas corpus*, the court will not give any direction to the gaoler as to the matter of which his return should concern, 13 *Law J., N. S., Mag. Cas.* 16.)

Vict. c. 101, s. 57, offenders in workhouses are to be sent to the gaol of the place to which the offender belongs. (See title "*Poor*," Vol. IV.)

Settlement of differences concerning certain accounts and debts due to prisons, see the 7 & 8 Vict. c. 93, *ante*, *Addenda* to

Vict. c. 50, intituled "An Act to extend the Powers of the Justices of the Peace in the Management of District Courts and Prisons,"

reciting the passing of the 5 & 6 Vict. c. 53, and that the said act be amended, for the purpose of removing the manner of putting the said act in force with respect to the time of making the agreements contemplated by the declared and enacted, "That it shall be lawful for the Justices of the Peace to be party to any agreement for the said act; and it shall be also lawful to insert in any agreement, if the parties thereunto shall think fit, a condition, that the same shall not take effect unless her majesty shall be pleased to grant such separate court of sessions of the peace to any such borough; and a condition shall be therein inserted no agreement shall be made or entered into until the same shall have been approved by the Justices of the Peace hereto, and confirmed by her majesty, as directed by the said act; and her majesty shall have been pleased to grant such separate court of sessions of the peace to the borough or boroughs respecting which the said condition shall have been inserted in the agreement."

Agreements contemplated by the 5 & 6 Vict. c. 53, may be contingent on grant of sessions of the peace.

that so much of the said act as provides that in every case where more than one borough having a court of sessions of the peace is included in the agreement aforesaid the district united under such agreement shall be divided into as many divisions as there shall be mentioned in such agreement, and to each of such boroughs included in such a division of the said district as shall be more convenient thereunto, and shall be set forth in the agreement, and to the amount of population in the whole district, and the circumstances of the case, and all prisoners committed to the district for any offence committed within any division aforesaid shall be committed to the sessions of the peace holden for that borough to which the division shall have been apportioned, and the provisions contained in the said act with respect to jurors, and the return of convictions, recognizances, and other documents, for the united district shall apply in each case to the division apportioned to each borough, and the said act is hereby repealed."

Repeal of 5 & 6 Vict. c. 53, s. 41, as to divisions of united districts.

that in every case in which more than one borough having a court of sessions of the peace shall be a party to any such agreement, the grant of such court shall have been made before or after the making of the agreement, the united district shall be divided into as many divisions as there are boroughs to which such grants shall be made, in such manner as shall be absolutely or provisionally

Provisions as to divisions of any united district, whether grant made before or after confirmation of agreement.

3 *Less Journ., N. S., Mag. Cas.* 13.)

edings taken against the inhabitants of a parish for non-highway, where an indictment is ordered, and tried under sec. 5 of the 5 & 6 Will. IV. c. 50, the latter section provides, "that of such prosecution shall be directed by the judge of the county in which the said indictment is tried, to be paid out of the rate made in pursuance of that act, in the parish in which such highway is situated." At the March assizes, 1842, an indictment was tried against the inhabitants of a parish, who were found guilty, and a rate was made, upon application to the judge, for the costs of the prosecution in the following words: "It is ordered, &c., that the costs of the prosecution be paid out of the rate made and levied, or to be made in pursuance of the 5 & 6 Will. IV. c. 50, in the said parish of," &c. by the judge. The amount of the costs was not ascertained at the assizes. At subsequent assizes for the same county, application was made to different judges to ascertain the amount, and order the rate to be made, but the application was also made at chambers to the judge who tried the indictment, but they declined to do so; and at the summer assizes (the summer assizes having been respited from time to time,) the judge, upon proof that the road had been well repaired, passed a verdict in favour of the defendants, and discharged their recognizances to bail. In Hilary Term, 1844, a rule nisi was obtained for a writ of mandamus to the surveyor of the highways of that parish, commanding him to pay to the prosecutor the costs of the prosecution of the indictment, without mentioning any sum. The court refused to interfere, and the rule was discharged. (*Reg. on pros. of Bullock v. Clark*, 13 Law J., N. S.,

made by magistrates at special sessions under 5 & 6 Will. 4, 95, for the indictment of a highway, it should distinctly show which highway is within the division for which such special sessions were held, and if that do not appear the subsequent proceedings at sessions are void, though it may appear on the face of them that the offence was within their jurisdiction. (*Reg. v. Martin*, 13 Law J., 16.)

by the direction of justices, pursuant to s. 95 of 5 & 6 Will.
 All of indictment is preferred for non-repair of a road, the

the only persons to ascertain and settle the amount of
(*Peters v. Clarkson*, 13 *Law J.*, N. S., M. C. 153.)

And the surveyor is not bound to have the amount
tained within twenty-one days of his committing the

The words "usually rated" to the highways in s.
s. 27, must be construed to mean such as have be
rated in the parish for which the rate is made. A
right in inquiring only whether such woods were us
of fact, at the time of the passing of that statute, as
woods were "rateable," or whether they were us
parishes. (*R. v. Rose*, 13 *Law J.*, N. S., M. C. 155.)

Horses and Slaughterhouses

Horses.

As to bets, &c. on horse-races, see the statutes in
"Gaming."

7 & 8 Vict. c. 87.

Slaughtering of.

New licences to
be annual.

By the 7 & 8 Vict. c. 87, intituled "An Act to ame
lating Places kept for slaughtering Horses," [9th Au
that by an act passed in the twenty-sixth year of the
king George the Third, and also by an act passed in
reign of his late majesty king William the Fourth,]
for the regulation and inspection of houses and plac
pose of slaughtering horses: and that it is expedient
vision for the better and more effectual regulation an
houses and places; it is therefore enacted, "That ever
after the passing of this act be granted under or by
of the twenty-sixth year of king George the Third,
son to keep or use any house or place for the purpos
killing any horse or other cattle (not killed for butch
granted, and shall continue in force, for a period not
from the date at which the same was granted, determ
provided: Provided nevertheless, that in the case of the
licence to any person to whom any such licence may
granted as aforesaid it shall not be necessary for
tain or produce to the justices at such general qu
peace a certificate under the hands and seals of th
wardens, overseers or householders as required by

has been guilty of any breach or violation of the said two before recited acts or either of them, or of this act, or any thereof respectively, to cancel and wholly put an end to any licence which may have been granted to the person or persons against, and from thenceforth the same shall be of no force

Horses and Slaughter Houses.

7 & 8 Vict. c. 87.

That if any such licensed or other person shall wantonly beat, ill-treat, abuse, wound, or torture any horse or other house, pound, stable, or other place in the occupation or licensed person, every such person shall for every such conviction thereof, forfeit and pay a sum of money not ex-

Persons wantonly or cruelly ill-treating any horse to be liable to penalty.

That it shall be lawful for any constable from time to time, as he shall think fit, at all reasonable times in the day-time, of this act, either alone or accompanied by any inspector to be appointed under the first-recited act, to enter upon and inspect all and every the houses, stables, sheds, yards, grounds, and places for the keeping of which any such license shall have been granted, and also to inspect or take an account of all or any of other cattle which shall from time to time be found upon such any part thereof."

Power for constables to enter licensed places.

That in case any person to whom any such license shall be granted, or any other person, shall at any time or in any manner obstruct, hinder, molest, or assault any such inspector whilst in the exercise of his duty, or the exercise of his power or authority under the said first-recited act or of this act, every such offender by such offence, on conviction thereof forfeit and pay such a sum of money, not exceeding 10*l.*, as any two or more justices before whom the offender shall be brought shall deem fit."

Penalty for obstructing inspectors.

That in case any such inspector shall at any time be guilty of any breach or violation of the duty required of him by law, then and in case such inspector shall, upon conviction, forfeit and pay for such offence, a sum of money not exceeding 10*l.*"

Penalty for inspector neglecting his duty.

That all offences against this act, or any of the provisions thereof, shall and may be heard and determined before and by any two or more justices of the peace for the county within which the offence shall be committed; and all penalties and forfeitures incurred thereby shall and may be recoverable, with costs, before and awarded by such justices, and shall be applied as follows; namely, such part of the penalty shall be paid by the person who shall inform and prosecute, and the remainder thereof to the sheriff or other proper officer of the county in which such conviction shall take place, for her use, and shall be returned to the court of quarter sessions, under the provisions of an act passed in the third year of his late majesty King George the Fourth, intituled 'An Act for the more speedy Return of Fines, Penalties, and Forfeitures and Recognizances escheated in case of non-payment of any such penalty or forfeiture or to the person to whom it shall and may be lawful for such justices forthwith to commit the offender to the common gaol or prison within the jurisdiction of such justices for any time not exceeding one calendar month, as such justices shall seem meet."

Offences may be heard by two justices.

Penalties, how to be recovered and applied.

3 Geo. IV. c. 46.

That the prosecution of every offence punishable under this act shall be commenced within three calendar months next after the commission of the offence, and not otherwise; and the evidence of the commission of the offence shall be admitted in proof of the offence."

Limitation as to summary proceedings.

That any person who shall think himself aggrieved by any order or conviction made by any justice or justices of the peace under the authority of this act, may appeal to the justices of the peace at the next general or quarter sessions of the peace to be holden after the day wherein the cause of complaint shall have arisen, provided the appeal be made at the time of the order or conviction, or within forty-

Appeal to quarter sessions.

in England ;' and in case the appeal shall be dismissed conviction affirmed, the reasonable expences of all suching as aforesaid, to be ascertained by the court, shall treasurer of the county by appellant."

Meaning of certain words used in this act.

Sect. 10. "That the words hereinafter mentioned, w signification have a more restricted or different meanis (except where the nature of the provisions or the conts exclude such construction) be interpreted as follows ; word 'county' shall include city, town, borough, ci liberty, or division ; the word 'horse' shall include m pony, colt, or filly ; the word 'cattle' shall inciude b heifer, calf, ass, sheep, lamb, goat, pig, or any other do word 'constable' shall include headborough, peace officer ; and every word importing the singular numbe and be applied to several persons and things as well a thing ; and every word importing the masculine gende to a female as well as a male."

Inferior Courts.

7 Vict. c. 19.

Bailiffs to be appointed by the judge of the court.

By the 7 Vict. c. 19, intituled "An Act for regulat Inferior Courts," [6th June, 1844,] reciting, "That ec and for sundry counties, hundreds, and wapentakes, and other lordships, liberties, and franchises, having l ter jurisdiction for the recovery of debts and dan actions, and in many places great extortion is practice the process of such courts:" for remedy thereof, it i the judge of every such court shall have power to a number of proper and responsible persons to act as court, and in the execution of the process thereof, i dismiss any such bailiff for misconduct, and no be shall be qualified to be re-appointed ; and the bailiffs c pointed, and no other persons, save as hereinafter men all summonses, and execute all orders, warrants, pr other processes issued out of the said court ; and a l name and place of abode of every such bailiff shall b

or payment of all monies received by him in the execution of his *Inferior Courts.*

L. 3. "That every bailiff authorized to execute the process of any court who shall wilfully and corruptly exact, take, or accept any fee and whatsoever other than and except such fees as shall be allowed and declared by order of the court, which shall be put up in some conspicuous place in the court, shall, upon proof thereof before the said be for ever incapable of serving or being employed in any office of or emolument of the said court."

7 Vict. c. 19.

Bailiffs taking fees other than those allowed to be discharged.

L. 4. "That if any bailiff acting under colour or pretence of the of any such court shall be guilty of extortion or misconduct, or not duly pay or account for any money levied under process of the court, it shall be lawful for the judge to inquire into such matter in any way, and for that purpose to summon and enforce the attendance of all necessary parties, and to make such order thereupon for the payment of any money extorted, or for the due payment of any money due as aforesaid, and for the payment of such damages and costs to parties aggrieved, as he shall think just; and in default of payment of money so ordered to be paid within the time specified for the payment thereof it shall be lawful for the judge of the said court, by his order under his hand and seal, to cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable costs of such distress and sale, and in default of such distress to commit the offender to the county gaol or house of correction for any time not exceeding one calendar month."

Remedies against officers of the court guilty of extortion or misconduct.

L. 5. "That for every such court a seal shall be made under the authority of the judge of such court, and that all summonses and other writs issuing out of the said court shall be sealed or stamped with the seal; and every person who shall forge the seal or any process of court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or process of the said court, knowing the same to be false, or who shall act or profess to act under or by the authority of such summons or process, knowing the same to be false, or who shall take upon himself to act as a bailiff of any such court without lawful authority, shall be guilty of felony."

Persons forging process, &c. guilty of felony.

L. 6. "That no goods which shall be taken in execution under any writ of any such court shall be sold until the end of three days at the next following the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon request in writing under the hand of the party whose goods shall have been so taken; and until such sale the goods so taken shall be in the custody of the bailiff to whom the warrant of execution shall have been issued."

Sale not to be till three days after execution.

L. 7. "That if any bailiff of any such court shall be assaulted or resisted in the execution of his duty, or if any rescue shall be made or attempted to be made of any person or goods taken or levied under process of any such court, the person offending therein, on conviction before any two justices of the peace, shall be imprisoned with or without hard labour in the common gaol or house of correction for a term not exceeding three calendar months, or shall forfeit and pay a fine not exceeding 5*l.* as may be set upon him by the said justices of the peace; and every such fine, with the cost of conviction, in case of nonpayment thereof, shall be levied by distress and sale of the goods of the offender."

Penalty for assaulting bailiffs, or rescuing persons or goods taken in execution.

L. 8. "That all actions and prosecutions to be commenced against any bailiff of any such court for any thing done in pursuance of his duty as such bailiff, or for such grievance, misfeasance, or nonfeasance as aforesaid, shall be laid and tried in the county where the offence was committed, and shall be commenced within three calendar months after

Limitation of actions, &c.

Inferior Courts. the fact committed, and not afterwards or otherwise; and notice
 7 Vict. c. 12. ing of such action or prosecution, and of the cause thereof, given to the defendant one calendar month at least before the commencement of such action or prosecution; and no plaintiff shall recover such action if tender of sufficient amends, in the opinion of the judge who shall try such action, shall have been made before action brought after action brought a sufficient sum of money, in the opinion of the judge as aforesaid, with costs, shall have been paid into court in satisfaction of such action."

Meaning of
 "judge"

Sect. 9. "That in this act the word 'judge' shall be construed to mean the county clerk, under sheriff, steward, or other person before whom any such court shall be holden."

Jurors.

Jurors

By the 7 & 8 Vict. c. 101, the expences of jury-lists are to be paid out of the poor-rates of the parish.

Justices of the Peace.

Justices of the
 peace.

By the 6 & 7 Vict. c. 101, s. 24, justices who reside in extra-parochial places or parishes within unions, are to be *ex officio* guardians of the poor.

By sect. 11, justices' clerks are annually to make a return of the names, monses, and orders, &c., relative to bastards, to the clerk of the peace. (See ante, Addenda, title "Bastards.")

Lotteries.

Maintenance.

See ante, Addenda to "Gaming."

As to art-unions. (See ante, Addenda, title "Art-Unions.")

Maintenance.

By indenture made in 1827, between R. P. and his eldest son, reciting that R. P. P. of C., was seised of large real estates, married, and was then in a state of mental and bodily imbecility, and that in the event of his dying so seised, intestate and without issue, his heir-at-law would be entitled to the reversion of his estates, and that R. P. was desirous of having a commission of lunacy sued out for the protection of R. P. P. and his property, and also of his own person, and that D. P., at R. P.'s request, agreed to sue out and procure such commission and take other necessary law proceedings at his own expense, in R. P.'s name; R. P., in consideration of the agreement, and affection for D. P., covenanted to convey all the estates which should descend to him on the decease of R. P. P. to the use of him and the remainder to the uses expressed respecting the estate of R. P. P. by his marriage settlement, being for the benefit of D. P. and the heirs of his body, the marriage. The commission was accordingly issued; R. P. was declared a lunatic, and D. P. was reimbursed for his expenses in obtaining the commission. R. P. was then sixty-three years of age; the lunatic D. P. was younger. The lunatic died in 1829, and R. P. came into possession of his real estates, and conveyed them to his son, R. H. P., for valuable consideration. On a bill filed by D. P. to set aside that conveyance, and for specific performance of the covenant, his answer, said he entered into it without legal advice, and under the influence of imposition, and misrepresentation on the part of D. P. It was

nce that both parties employed the solicitor who prepared the inden- **Maintenance.**
 —Held, that the agreement to sue out the commission was not void
 al for champerty or maintenance, or as against public policy, or
 on the jurisdiction in lunacy, or want of mutuality. Regard being
 the ages and relative situation of the parties, and to the benefits
 ed by the issuing of the commission, there was some, and not very
 uate consideration for the covenant. (*Persse v. Persse*, 7 Cl. &
 79.)

Mandamus.

the 6 & 7 Vict. c. 67, intituled "An Act to enable Parties to sue 6 & 7 Vict. c. 67.
 and Prosecute Writs of Error in certain Cases upon the Proceedings
 rits of Mandamus," [22nd August, 1843,] reciting, that writs of
 amus are issued by her majesty's court of Queen's Bench and the
 of the counties palatine, and the application for the same must
 be made in those courts respectively alone: and that writs of man-
 are frequently awarded, and often in cases of considerable import-
 and the practice of issuing such writs hath of late very much
 and that it is expedient that parties interested in the issuing
 the proceedings upon such writs respectively shall be enabled in
 cases to have the judgments and decisions of the said court of
 Bench, and courts of the counties palatine respectively, in re-
 of the said writs and of the proceedings thereon, reviewed by a
 of error, if they shall so think fit, and that a certain mode of
 ing the same shall be ordained and established: and that by the
 a. c. 20, it was enacted, amongst other things, that in certain cases
 be mentioned, when a writ of mandamus should issue and a return
 be made thereunto, it should be lawful for the person suing or
 euting such writ to plead to or traverse all or any of the material
 contained within the said return to which the person making such
 a should reply, take issue, or demur, and such further proceedings
 ch manner should be had therein for the determination thereof as
 have been had if the person suing such writ had brought his action
 e case for a false return: and that by the 1 Will. IV. c. 21, the said
 ion hereinbefore mentioned of the said herein first-recited act was
 ed to writs of mandamus in all other cases, and to the proceedings
 on: and that in neither of the said recited acts, nor in any other
 any power or authority given to the person prosecuting such writ
 amamus to demur to the return made to any such writ, so that the
 on of the said courts respectively as to the validity of such return
 be reviewed by a court of error; for remedy whereof, therefore, it is
 ed, "That in all cases in which the person prosecuting any such
 ertofores issued or hereafter to be issued shall wish or intend to
 the validity of any return already made or hereafter to be made
 ame, he shall do so by way of demurrer to the same, in such and
 manner as is now practised and used in the courts hereinbefore
 ed respectively in personal actions; and thereupon the said writ
 urn and the said demurrer shall be entered upon record in the said
 respectively, and such and the like further proceedings shall be
 on had and taken as upon a demurrer to pleadings in personal
 e in the said courts respectively; and the said courts respectively
 thereupon adjudge either that the said return is valid in law, or that
 ot valid in law, or that the writ of mandamus is not valid in law;
 they adjudge that the said writ is valid in law, but that the return
 is not valid in law, then and in every such case they shall also by
 said judgment award that a peremptory mandamus shall issue in
 ehalf, and thereupon such peremptory writ of mandamus may be sued
 and issued accordingly, at any time after four days from the signing

In order to object
 to a return to a
 mandamus the
 prosecutor must
 demur.

Proceedings
 thereupon.

Mandamus.

6 & 7 Vict. c. 67.

Writ of error upon
the judgment.

of the said judgment; and it shall be lawful for the said court to award costs to be paid to the party in whose favour they shall decide by the other party or parties."

Sect. 2. "That whenever any such judgment as is herein mentioned shall be given, or whenever issue in fact or in law shall be given upon any pleadings in pursuance of the said recited acts or either of them, and judgment shall be given thereon by any of the courts aforesaid, it shall be lawful for any party to the record in any of such cases, who shall himself be aggrieved by such judgment, to sue out and prosecute a writ of error for the purpose of reversing the same, in such manner as shall be directed by the court or courts as a party to any personal action in the said court, and to sue out and prosecute a writ of error upon the judgment in such cases, and such and the like proceedings shall thereupon be had and such costs awarded, as in ordinary cases of writs of error upon judgments of the said courts respectively in personal actions; and if the judgment of such court be reversed by the court of error, the said court shall thereupon by their judgment not only reverse the same judgment, but also in addition thereto give the same judgment which the court of error judgment is so reversed ought to have given in that behalf. And if their said judgment they shall award that a peremptory writ of error shall issue, the same shall and may accordingly be issued by the clerk or officer in the office from which such writs issue, as the case may require, upon production to him of an office copy of the said judgment of error, which shall be his authority and warrant for so doing. And it shall always, that bail in error to the amount of 50*l.*, or such other sum as may by any rule of practice be appointed as hereinafter provided, be duly put in within four days after the allowance of the said writ, and the same shall afterwards be duly perfected according to the rules of the court wherein the said original judgment was given, and the plaintiff in error shall be deemed to have abandoned his writ if he does not so perfect the same, and the same shall not be further prosecuted."

Peremptory writ
of mandamus.

Sect. 3. "That no action, suit, or any other proceeding shall be commenced or prosecuted against any person or persons whatsoever on any reason of any thing done in obedience to any peremptory writ of error issued by any court having authority to issue writs of error."

Court of error
may make rules.

Sect. 4. "That the said courts of error who are hereby empowered shall take cognizance of the matters aforesaid may make, and the rules shall be directed to make, from time to time, and as often as they shall see occasion, such rules of practice in reference to the said applications, proceedings thereon, and in reference to the writs of error mentioned and the proceedings thereon, and the amount of costs to be taken, as the said courts respectively may deem necessary, and the intention of this act in relation to the same respectively."

Marriage.

7 & 8 Vict. c. 56.

By the 7 & 8 Vict. c. 56, "An Act concerning Banns and certain District Churches or Chapels," [29th July, 1844,] after an act was passed in the fifty-ninth year of the reign of king

59 Geo. III. c. 134.

Third, intituled "An Act to amend and render more effectual the Acts in the last Session of Parliament, for building and promoting of additional Churches in populous Parishes:" and that another act was passed in the second year of the reign of his late majesty, intituled "An Act to amend and render more effectual an Act passed in the Eighth Years of the Reign of His late Majesty, intituled 'An Act for building and promoting the building of additional Churches in populous parishes:'" and that another act was passed in the first year of the reign of her present majesty, intituled "An Act to amend and render more effectual the Church Building Acts:" and that another

1 & 2 Will. IV.
c. 38.

1 & 2 Vict. c. 107.

1. The first part of the document is a title page. It contains the title "THE HISTORY OF THE UNITED STATES OF AMERICA" and the author "BY JAMES M. SMITH".

2. The second part of the document is a table of contents. It lists the chapters and their corresponding page numbers.

3. The third part of the document is the first chapter, which is titled "THE DISCOVERY OF AMERICA".

4. The fourth part of the document is the second chapter, which is titled "THE FIRST SETTLEMENTS".

5. The fifth part of the document is the third chapter, which is titled "THE GROWTH OF THE UNION".

6. The sixth part of the document is the fourth chapter, which is titled "THE CIVIL WAR".

7. The seventh part of the document is the fifth chapter, which is titled "THE RECONSTRUCTION".

8. The eighth part of the document is the sixth chapter, which is titled "THE PRESENT DAY".

9. The ninth part of the document is the seventh chapter, which is titled "THE FUTURE".

10. The tenth part of the document is the eighth chapter, which is titled "THE CONCLUSION".

Proceedings in cases where it shall be determined that banns may be published and marriages solemnized.

How fees to be disposed of.

controverted elections of members to serve in parliament: it is at the 9 Geo. IV. c. 22, intituled, 'An Act to consolidate the Laws relating to the Trial of controverted Elections or members to serve in Parliament,' and also so much of the 42 Geo. III. c. 14, as requires the parties appearing select committee to interchange before the said committee the names and names of voters to which either of the parties purtends to object, and statements in writing respecting the same; and either of the said parties mean to insist upon, contend for, or as provides that no witness shall be called or examined not specified in such lists or statements, shall be repealed, anything done under either of the said acts; but this enactment shall not revive any act, or part of any act, repealed by the firstly-

Repeal of 9 Geo. IV. c. 22. and Part of 42 Geo. III. c. 106. and 47 Geo. III. c. 14.

That every petition which shall be presented to the House of Commons within such time as shall be from time to time limited by the House, touching an undue election or return of a member or members in parliament, or complaining that no return has been made for the election of any member or members to serve in parliament, or before the day on which such writ is made returnable, shall be issued during any session or prorogation of parliament, shall have been made to the same within fifty-two days after the date of such writ bears date, or that any return is not according to the writ, or complaining of the special matters concerning such return, shall be deemed an election petition; but no petition shall be received by the house unless at the time it is presented shall be subscribed by some person claiming therein to have voted at the election to which the same shall relate, or to be entitled to be returned or elected thereat, or alleging himself to be a candidate at the election."

What shall be deemed election petitions.

That before any election petition shall be presented to the House of Commons, the person or persons subscribing the same, or some one or more of them, shall personally enter into a recognizance to our sovereign lady the Queen according to the form given in the schedule (A.) to this act and the sum of 1,000*l.*, with one, two, three, or four sufficient

Recognizances to be entered into by petitioners.

Parliament.
7 & 8 Vict. c. 103.

Examiner of recognizances to be appointed.

Provision for temporary disability of examiner.

How recognizances are to be entered into.

Option of paying money into the bank instead of finding security.

Declaration of trust.

Where money has been paid into the bank, the examiner of recognizances to order payment of expences, and transfer the residue to the account of the party.

No petition to be received unless endorsed by the examiner of recognizances.

Names of sureties to be kept in the office of the exa-

the same person by whom his recognizance shall be taken, seised or possessed of real or personal estate (or both), above satisfy his debts, of the clear value of the sum for which he is bound by his said recognizance, and every such affidavit annexed to the recognizance; and that in every such recognizance mentioned the name and usual place of residence of the person proposed to become sureties as aforesaid, with such other description of proposed sureties as may be sufficient to identify them easily.

Sect. 5. "That the speaker of the House of Commons shall be a fit person to be examiner of recognizances; and every person so appointed shall hold his office during the pleasure of the speaker, and shall perform the duties of his office conformably to such directions as he may from time to time receive from the speaker."

Sect. 6. "That in case of the illness, temporary disability, or able absence of the examiner of recognizances, the speaker shall appoint a fit person to perform the duties of examiner of recognizances in such illness, disability or absence; and throughout this act the person so appointed shall be deemed to include the person so appointed and for the time being performing the duties."

Sect. 7. "That every recognizance hereinbefore required shall be entered into, and every affidavit hereinbefore required shall be taken before the examiner of recognizances or one of her majesty's justices of the peace; and the said examiner, and also every justice of the peace is hereby empowered to take the same; and every such recognizance and affidavit which shall be taken before a justice, being duly entered in the hand of the justice before whom they shall have been taken, shall be delivered to the examiner of recognizances."

Sect. 8 provides and enacts, "That it shall be lawful for any person by whom the said petition shall be signed, instead of entering into a recognizance for the full amount of the sums hereinbefore required, to pay into the bank of England, on the account of the examiner of recognizances as trustee for the like purposes for which the recognizances hereinbefore required, any amount of money which he shall think fit, not less than 250*l.* each; and in such case the person by whom the petition shall be signed shall still be required to enter into a personal recognizance for the sum of 1,000*l.* but shall be required to find a surety or sureties as aforesaid for so much only of the amount as shall be paid into the bank shall fall short of 1,000*l.*; and no money shall be deemed for the purposes of this act to have been paid into the bank of England until a bank receipt for the same shall be procured and delivered to the examiner of recognizances."

Sect. 9. "That in every case in which payment of any money shall have been made into the bank of England the person by whom the recognizances shall be bound, in the first place, and in the second place as he in his discretion shall think fit, to satisfy on demand all the costs and expences for securing payment of the money, and thereafter to transfer the residue (if any), wholly discharged of the said trust, to the account of the party by whom the same shall have been paid in."

Sect. 10. "That no election petition shall be received until it is presented to the house, it shall be endorsed by a certificate in the hand of the examiner of recognizances, that the recognizance before required has been entered into and received by him, and that the affidavits thereunto annexed; and, if the recognizance shall not be taken for the whole amount, that the necessary amount of money shall have been paid into the bank of England as hereinbefore required."

Sect. 11. "That on or before the day when any such petition shall be presented to the house the names and usual places of residence of the sureties, when there are sureties, shall be entered in a book to

examiner of recognizances in his office ; and the said book, and also recognizance and affidavits and bank receipt for any money paid into bank of England, if any, shall be open to the inspection of all parties interested."

Parliament.

6 & 7 Vict. c. 103.

examiner of recognizances, and to be open to inspection.

Sureties may be objected to.

§ 12. " That it shall be lawful for any sitting member petitioned for, or for any electors petitioning and admitted parties to defend the same or return, to object to the sureties, or any of them, who shall be entered into such recognizance, on the ground of insufficiency, or if a surety is dead, or that he cannot be found or ascertained from the description of a sufficient description in the recognizance, or that a person named in the recognizance has not acknowledged the same ; provided the ground or objection shall be stated in writing under the hand of the objecting party, or his or their agent, and shall be delivered to the examiner of recognizances within ten days, or not later than twelve of the clock at noon of the eleventh day, after the presentation of the petition, if the surety objected to reside in England, or within fourteen days, or not later than twelve of the clock at noon of the fifteenth day, after the presentation of the petition, if the surety objected to reside in Scotland or Ireland: Provided also, that if either such eleventh or such fifteenth day happen to be a Sunday, Good Friday, or Christmas Day, it shall be lawful if such notice of objection be delivered to the examiner of recognizances not later than twelve of the clock at noon of the following

§ 13. " That as soon as any such statement of objection shall be made by the examiner of recognizances he shall put up an acknowledgment thereof in some conspicuous part of his office, and shall appoint a day for hearing such objections not less than three and not more than seven days from the day on which he shall have received such statement ; the petitioner or petitioners, and his or their agent, shall be allowed to attend and take copies of every such objection."

Notice of objections to be published in the office of the examiner, and copies may be taken.

§ 14. " That at the time appointed the examiner of recognizances shall inquire into the alleged insufficiency of the surety or sureties objected to on the grounds stated in the notice of objection, but not on any other ground ; and for the purpose of such inquiry the examiner of recognizances is hereby authorized to examine upon oath any persons who may be tendered by either party for examination by him, and also to receive and examine any affidavit relating to the matter in dispute before him, and shall be sworn before him, or before any master of the high court, or justice of the peace, each of whom is hereby authorized to administer and certify such affidavit ; and the examiner of recognizances shall have power, if he shall think fit, to adjourn the said inquiry from time to time until he shall decide on the validity of such objection, and, if he shall think fit, to award costs to be paid by either party to the other, which shall be taxed and recovered as hereinafter provided for the costs and expences of prosecuting or opposing election petitions ; and the decision of the examiner of recognizances shall be final and conclusive against all parties."

Examiner of recognizances to decide on the objections.

§ 15. " That if any surety shall die, and his death shall be stated as a ground of objection before the end of the time allowed for objecting to the sureties, it shall be lawful for the petitioner to pay into the bank of England, on the account of the examiner of recognizances, the sum for which the deceased surety was bound ; and upon the delivery of a bank receipt for such sum to the examiner of recognizances, within three days after the day on which the statement of such objection shall have been delivered to the examiner of recognizances, the sureties shall be deemed unobjectionable if no ground of objection shall be stated to any other of the sureties within the time before mentioned for stating objections to sureties."

In case of death of a surety, the money may be paid into the bank.

§ 16. " That in case the examiner of recognizances shall have received any statement of objection to the sureties or any of them to any election petition, and shall have decided that such sureties or any of them are objectionable, he shall forthwith report to the speaker that such

Examiner of recognizances to report whether or not sureties are objectionable.

giving notice in writing under his hand or their hands, of his or their agent, to the speaker, and also to the sitting member, and also to any party who may have been admitted to the prayer of such petition, that it is not intended to present such petition; and in such case the petitioner or petitioners shall be liable to payment of such costs and expences as may have been incurred by the sitting member, and also by any party who may have been admitted to the prayer of such petition, to be taxed as hereinafter provided.

Proceedings when the seat becomes vacant, or the sitting member declines to defend his return

Sect. 18. "That if at any time before the appointment of a committee to try any such petition as hereinafter provided, the House of Commons shall be informed, by a certificate subscribed by two of the members of the said house, of the death of any sitting member whose election or return is complained of, or of the death of any member returned upon a declaration of election, or if an election or return is complained of in such petition, or if a writ of prohibition has been issued under the great seal of Great Britain against any such member to parliament as a peer of Great Britain, or if the House of Commons shall have resolved that the seat of any such member shall become vacant, or if the House of Commons shall have received a declaration in writing subscribed by any such member, or by any party who may have been admitted to the prayer of such petition, that it is not the intention of such member to defend his election or return, in every such case notice shall immediately be sent by the speaker to the general committee of the whole house, and to the members of the chairmen's panel hereinafter mentioned, and also to the sheriff or other returning officer for the county, borough, district, or burghs, port or place, to which such petition shall have been presented; and such sheriff or other returning officer shall cause a notice to be affixed on or near the door of the county, borough, district, or burghs, port or place, to which such petition shall have been held; and such notice shall also be inserted, by order of the house, in one of the next two *London Gazettes*, and shall be sent by the speaker to the sitting member, and to the members of the chairmen's panel hereinafter mentioned, and also to the sheriff or other returning officer for the county, borough, district, or burghs, port or place, to which such petition shall have been presented, and shall be read aloud to the house."

Voters may become a party to oppose the petition.

Sect. 19. "That at any time within fourteen days after the day on which any election petition shall have been presented to the committee, or one day after the day on which any notice shall have been given in the *Gazette*, to the effect that the seat is vacant, or that the sitting member will not defend his election or return, or if either of the

committee of elections shall at any
s that, by reason of the continued
vers, or by reason of irreconcilable
committee is unable to proceed in the
; House of Commons shall resolve
be dissolved, the general committee

Cases in which
the general com-
mittee shall be
dissolved.

to supply a vacancy in the general
of the general committee after the
the speaker, by warrant under his

How vacancies
shall be supplied,
and re-appoint-
ments made.

me may be afterwards entered on the journals, and the opinion of the house shall then be taken thereon; and if the house shall resolve that the said member ought to be excused, he shall be excused from serving on election committees for such time as to the house shall seem fit; and no member shall be so excused who shall not claim to be excused, and he shall be chosen to serve as hereinafter provided; and every member who shall have served on one select committee for trying an election petition, and who, within seven days after such committee shall have made its final report to the house, shall notify to the clerk of the house and committee his claim to be excused from so serving again, shall be excused during the remainder of the session, unless the house shall at any time resolve, upon the report of the general committee, that the number of members who have not so served is insufficient; but no member shall be deemed to have served on an election committee who, through want of inability or accident, shall have been excused from attending the same throughout."

Parliament.

7 & 8 Vict. c. 103.

Art. 37. "That every member whose return shall not have been put in for a time exceeding that allowed for questioning the returns of members, or who shall be a petitioner complaining of an undue election return, or against whose return a petition shall be then depending, shall be disqualified to serve on election committees during the continuance of such ground of disqualification; and every member of any select committee appointed to try an election petition shall be disqualified to sit again on an election committee during seven days after the final report of the committee on which he so served."

Members temporarily disqualified from serving.

Art. 38. "That the clerk of the House of Commons shall make out an alphabetical list of all the members, omitting the names of such members who shall have claimed to be wholly excused from serving on election committees as aforesaid; and the clerk shall also distinguish in such list the name of every member who shall be for a time excused or disqualified, and shall also note in the list every cause of such temporary disqualification, and the duration thereof; and such list shall be printed and distributed with the votes of the house, and the names of the members so omitted shall be also printed and distributed with the votes."

A corrected list, distinguishing the excused or disqualified members, to be printed and distributed with the votes.

Art. 39. "That during three days next after the day of the distribution of such corrected list further corrections may be made in such list by order of the speaker, if it shall appear that any name has been improperly inserted in or struck out of such list, or that there is any other error in the list."

List may be further corrected during three days.

Art. 40. "That the list so finally corrected shall be referred to the select committee of elections, and the general committee shall thereupon select, in their discretion, six, eight, ten, or twelve members, whom they shall think duly qualified, to serve as chairmen of election committees; and the members so selected shall be formed into a separate panel, called the chairmen's panel, which shall be reported to the house; and while the name of any member shall be upon the chairmen's panel he shall not be liable or qualified to serve on an election committee, otherwise than as chairman; and every member who shall have been placed on the chairmen's panel shall be bound to continue upon it until the end of the session, or until he shall sooner cease to be a member of the house, or until, by leave of the house, he shall be discharged from continuing upon the chairmen's panel: Provided always, that every member of the chairmen's panel, who shall have served on one or more election committees, and who shall notify to the clerk of the general committee of elections his claim to be discharged from continuing upon the chairmen's panel, shall be so discharged accordingly; and every such member shall be excused from serving upon any election committee, whether as chairman or otherwise, during the remainder of the session; and every member of the chairmen's panel shall be deemed to have served

Selection of members to serve as chairmen of election committees.

Parliament.

7 & 6 Vict. c. 103.

List to be divided into five panels.

General committee to correct the panels from time to time.

Power to transfer to another panel the names of members obtaining leave of absence.

For supplying vacancies, and increasing the chairmen's panel.

Members upon chairmen's panel to make regulations.

Election petitions to be referred to the general committee.

on an election committee who, on account of inability or accident have been excused from attending the same throughout."

Sect. 41. "That after the chairmen's panel shall have been said selected the general committee shall divide the members thening on such list into five panels, in such manner as to them most convenient, but so nevertheless that each panel may nearly as may be the same number of members, and shall rehearse the division so made by them; and the clerk shall decide the table the order of the panels as settled by the general committee and shall distinguish each of them by a number denoting in which they shall have been drawn; and the panels shall be turned to the general committee of elections, and shall be from which all members shall be chosen to serve on election committees."

Sect. 42. "That the general committee of elections shall said panels from time to time by striking out of them the name of a member who shall cease to be a member of the house, or who to time shall become entitled and shall claim as aforesaid to be excused from serving on election committees, and by inserting the names to be chosen by the general committee, at their discretion the name of every new member of the house who shall not be so claim as aforesaid to be wholly excused, and shall also from time to time distinguish, in the manner aforesaid, in the said panels those members who shall be for a time excused or disqualified, and the reasons aforesaid; and the general committee shall, as often as they shall think fit, report to the house the panels as they shall be corrected; and as often as the general committee of elections shall think fit, the said panels to the house they shall be printed and distributed for the votes of the house."

Sect. 43. "That when leave of absence for a limited time shall have been granted by the house to any member, it shall be lawful for the general committee of elections to transfer the name of such member from the panel in which it shall have been placed to some other panel subsequent in rotation, if they shall think fit so to do, having regard to the length of time for which such leave of absence shall have been granted, and to the number of select committees then about to be appointed."

Sect. 44. "That whenever any member of the chairmen's panel shall cease to be a member of the house, or shall be, by leave of absence, discharged from continuing upon the chairmen's panel, or shall be discharged by reason of service, under the provisions herein contained, the general committee shall forthwith select another member to be placed upon the chairmen's panel in his room; and in case at any time appear to the general committee that the chairmen's panel is small, it shall be lawful for the general committee to select six additional members to place upon it, so nevertheless that the chairmen's panel shall not at any time consist of more than eighteen members without the leave of the house first obtained."

Sect. 45. "That it shall be lawful for the members who are upon the chairmen's panel from time to time to make such regulations as they shall find convenient for securing the appointment or selection of election committees, and for distributing the duties of chairmen among all of them."

Sect. 46. "That all election petitions which shall be received by the house shall be referred by the house to the general committee for the purpose of choosing select committees, as hereinafter provided; and the speaker shall communicate to the general committee every report by the examiner of records and returns concerning the sureties to any election petition; and in every case in which any election petition shall be withdrawn, or the examiner

"That the general committee of elections shall choose the Committees to be chosen for petitions according to their order in the list to try the election petitions standing in the said list of petitions, and they may from time to time determine how many committees shall be chosen for trying such petitions, and the day or days on which they shall be choosing such committees, having regard to the number of committees which may then be sitting for the trial of election petitions, the whole number of such committees then to be appointed; and they shall report to the house from time to time the days appointed for choosing such committees."

"That notice of the time and place at which the committee shall sit to try any election petition shall be published with the committee chosen less than fourteen days before the day on which such committee shall be appointed to be chosen; and in case the conduct of the returning officer is complained of, such notice shall be sent to him through the post at least fourteen days before the day on which such committee shall be appointed to be chosen; and every such notice shall direct the persons interested to attend the general committee of elections, by themselves or their counsel or agents, at the time and place appointed for the trial of the petition; and if (after any such notice shall have been published with the votes, or sent to the returning officer as afore-said) proceedings in the matter of such petition shall become suspended, notice of such suspension shall be immediately published with the committee chosen, and in case the conduct of the returning officer is complained of, such notice shall be sent to him through the post."

"That in case notice of the death or vacancy of the seat of any member shall be petitioned against, or that it is not the intention of such member to defend his election or return, shall have been inserted in the order of the speaker as hereinbefore provided, and no party

one, then after such other parties shall have withdrawn, the parties
dance shall be again called before the general committee, in the
der in which they were directed to withdraw ; and the petitioners
mg member or members, or such party as may have been admitted
said to defend the return or right of election, their counsel or
beginning on the part of the petitioners, may object to all or any
members chosen, or to such chairman, as being then disqualified
ed, for any of the reasons aforesaid, from serving on the com-
for the trial of that election petition, but not for any other

61. "That if at the least four members then present of the gene-
mittee shall be satisfied that any member so objected to is then
fied or excused for any of the reasons aforesaid, the parties present
again directed to withdraw, and the general committee shall pro-
choose another committee from the same panel to try that peti-
if the member to whom any such objection shall be substantiated
hairman, they shall send back his name to the members on the
n's panel, and the members on the chairmen's panel shall pro-
choose another chairman to try that petition, and shall communi-
name to the general committee, and so as often as the case may

If general com-
mittee allow the
disqualification a
new committee
to be chosen.

62. "That in the second or any following committee the general
tee may, if they shall think fit, include all or any of the members
ly chosen by them to whom no objection shall have been sub-
nd ; and no party shall be allowed to object to any member who
included in the second or any following committee who was not

In the new com-
mittee members
not before object-
ed to may be in-
cluded.

the reasons aforesaid he is disqualified or excused from mittee for which he shall have been so chosen, or i shall prove to the satisfaction of at least four meml the general committee, that there are any circumstanc render him ineligible to serve on such select commi stances having regard not to his own convenience b partial character of the tribunal, the general commit choose a new committee to try that petition, in lik member had been objected to by any party to the pet the space of one quarter of an hour after the tim notice no member shall so appear, or if any membe not prove his disqualification or excuse, to the satisf members then present of the general committee, t shall be taken to be appointed."

Select committee
to be reported to
the house.

Sect. 65. "That at the meeting of the House of Co patch of business next after any such select committe the members chosen, including the chairman, shall a and the general committee of elections shall repor names of the select committee appointed, and al report all petitions referred to them by the house to the return or election of which such select commi try the merits, and all lists of voters which shall ha them by either party; and the members chosen to l committee shall not depart the house till the time for select committee shall be fixed."

Members of select
committee to be
sworn.

Sect. 66. "That the five members appointed as l tioned shall, before departing the house, be sworn clerk, well and truly to try the matter of the petitio and a true judgment to give according to the evidenc to be a select committee legally appointed to try and of the return or election so referred by the house to ber so appointed from the chairmen's panel shall be t committee."

Members of said
committee not
present within
one hour after the
meeting of the

Sect. 67. "That if any member of the said select attend in his place within one hour after the meeting day appointed for swearing the said committee, or if member shall depart the house before the said comm

and report to the house, and the house shall be then adjourned for
an twenty-four hours, such select committee may also adjourn to
appointed for the meeting of the house."

. 72. "That no member appointed as aforesaid to be of any such
committee shall absent himself from the same without leave ob-
from the house, or an excuse allowed by the house at the next
thereof, for the cause of sickness, verified upon the oath of his
attendant, or for other special cause shown, and verified upon
and in every such case the member to whom such leave shall be
d or excuse allowed shall be discharged from attending, and shall
entitled again to sit or vote on the said committee; and such select
tee shall never sit until all the members to whom such leave has
en granted, nor excuse allowed, are met; and in case all such
re shall not meet within one hour after the time appointed for the
eting of such select committee, or within one hour after the time
ch such select committee shall have been adjourned, a further ad-
ment shall be made, and reported by their chairman, with the cause
to the house."

Committee-man
not to absent
himself.

Committee not to
sit until all be
met; on failure of
all meeting within
one hour, to ad-
journ.

. 73. "That every member whose absence without leave or excuse
is so reported shall be directed to attend the house at its next
meeting, and shall then be ordered to be taken into the custody of the
clerk at arms attending the house for such neglect of his duty, and
be otherwise punished or censured, at the discretion of the house,

Absentees to be
directed to attend
the house.

non-attendance of its members, it shall be dissolved, unless by consent

Committees to be attended by a shorthand writer.

**Committee empow-
ered to send
for and examine
persons, papers,
and records.**

Witnesses misbehaving may be reported to the house, and committed to the custody of the sergeant at arms.

the relative thereto, the room or place in which they shall sit shall be decided, if they shall think proper, whilst the members of the committee are present thereon.

84. "That all questions before the committee, if for the time being there shall be more than one member, shall be decided by a majority of the members present, and whenever the voices shall be equal the chairman shall have a casting voice."

Questions to be decided by a majority.

85. "That whenever the select committee shall be divided upon any question the names of the members voting in the affirmative and in the negative shall be entered in the minutes of the said committee, and the same shall be reported to the house, with the questions on which such divisions shall be made at the same time with the final report of the committee; and no member of the committee shall be allowed to refrain from voting on any question on which the committee shall be divided."

Names of members voting for or against any resolution to be reported to the house.

86. "That whenever it shall happen that parliament shall be prorogued after any petition complaining of an undue election or return, or of any omission to return, shall have been presented, but before the appointment of a select committee to try such petition, the general committee of elections shall, within two days after their first meeting, in case any petition shall have been then reported unobjectionable, appoint a day or days for selecting a committee or committees to try the petition or petitions so standing over as aforesaid: Provided always, that if the number of petitions so standing over as aforesaid shall be so great that the times for selecting committee of elections be conveniently appointed within two days after their first meeting, the said general committee shall, within two days after their first meeting, appoint the times for selecting committees

Committees to be appointed for petitions standing over on a prorogation of parliament.

Parliament.

7 & 8 Vict. c. 103.

Committees not dissolved by the prorogation of parliament.

to try such number of the said petitions as the said general shall deem convenient, and shall afterwards from time to time, conveniently may be, appoint the times for selecting the committee the remainder of such petitions."

Sect. 87. "That if the parliament shall be prorogued after the meeting of any select committee for the trial of any such petition and before they shall have reported to the house their determination, such committee shall not be dissolved by such prorogation, but shall thereby adjourned to twelve of the clock on the day immediately following that on which parliament shall meet again for the despatch (Sunday, Good Friday, and Christmas Day always excepted); the proceedings of such committee, and of any commission to be issued under the authority of such committee, shall remain in force to be of the same force and effect as if parliament had not been prorogued; and such committee shall meet on the day and hour appointed, and shall be so adjourned, and shall thenceforward continue to sit from day to day in the manner hereinbefore provided, until they shall have reported to the house their determination on the merits of such petition."

Cost when incurred by petitioners, &c.

Sect. 88. "That whenever any committee appointed to try any petition shall report to the house with respect to any such petition, that the same appeared to them frivolous or vexatious, the party or parties, any, who shall have appeared before the committee in opposition to such petition shall be entitled to recover from the person or persons against whom, or from the person or persons by whom, they, who shall have signed such petition, the full costs and expences which such party or parties shall have incurred in opposition to such petition, such costs and expences to be ascertained in the manner directed."

Costs when incurred by parties opposing petitions.

Sect. 89. "That whenever such committee shall report to the house with respect to the opposition made to such petition by any party or parties who shall have appeared before them, that such opposition appeared to them to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties, or from any of them, with respect to whom such report shall be made, the full costs and expences which such petitioner or petitioners shall have incurred in prosecuting their petition, such costs and expences to be ascertained in the manner hereinafter directed."

Costs when incurred where no party appears to oppose a petition.

Sect. 90. "That whenever no party shall have appeared before any select committee in opposition to such petition, and such committee shall report to the house, with respect to the election or return, or to the validity of a return, or to the alleged insufficiency of a return, or to the alleged corruption in any such petition, that the same appeared to them to be frivolous or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member or sitting members (if any) whose election or return shall be complained of in such petition, or from such sitting member or sitting members not having given notice of his or their intention not to defend the same, or from any person or persons whom the house shall have admitted or declared to be a party or parties to oppose such petition, the full costs and expences which such petitioner or petitioners shall have incurred in their petition, such costs and expences to be ascertained in the manner hereinafter directed."

Costs upon frivolous objections.

Sect. 91. "That if any ground of objection shall be stated to any petition by any voter in any list of votes intended to be objected to as hereinbefore provided, and if such select committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report to the House of Commons, together with their opinion on the matters relating to the said petition and the opposite party shall be entitled to recover, from the party or parties by whom or on behalf of whom any such objections were made, the full costs and expences incurred by reason of such frivolous or vexatious objections, which costs and expences to be ascertained in the manner directed."

a party entitled to receive the same ; and such certificate so signed as speaker shall be conclusive evidence, as well of the amount of demands as of the title of the several parties to recover the same, in cases and for all purposes whatsoever ; and the party claiming the same shall, upon payment thereof, give a receipt at the foot of certificate, which shall be a sufficient discharge for the same."

et. 94. " That the examiner of recognizances is empowered to examine upon oath any party claiming any such costs or expences, and any oaths tendered to him for examination, and to receive affidavits sworn to him, or before any master of the high court of Chancery, or any of her majesty's justices of the peace, who are severally empowered to take the same, relative to such costs or expences, or the taxation or non-payment thereof."

Persons appointed to tax costs empowered to take affidavits.

et. 95. " That it shall be lawful for the party or parties entitled to taxed costs and expences, or for his, her, or their executors or administrators, to demand the whole amount thereof, so certified as above, any one or more of the persons herein made liable to the payment of in the several cases hereinbefore mentioned, and in case of nonpayment thereof to recover the same by action of debt in any of her majesty's courts of record at Westminster or Dublin, or in the court of session in Scotland, in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them in the sum mentioned in the said certificate ; and the said plaintiff or plaintiffs shall, upon filing the said declaration, together with the certificate and affidavit of such demand as aforesaid, be at liberty to judgment as for want of plea by *nil dicit*, and take out execution for

Recovery of costs.

Parliament. the said sum so mentioned in the said certificate, together with
 7 & 8 Vict. c. 103. of the said action, according to due course of law: Provided
 that the validity of such certificate (the handwriting of the
 thereunto being duly verified) shall not be called in question
 court upon the allegation of any matter or thing anterior to
 thereof."

Persons paying
 costs may re-
 cover a propor-
 tion from other
 persons liable
 thereto.

Sect. 96. "That in every case it shall be lawful for any
 persons from whom the amount of such costs and expences
 been so recovered to recover in like manner from the other p
 any of them (if such there shall be), who are liable to the paym
 same costs and expences, a proportionate share thereof, accord
 number of persons so liable, and according to the extent of th
 of each person."

Recognizances
 when to be es-
 treated, &c.

Sect. 97. "That if any person or persons who shall have
 an election petition shall neglect or refuse, for the space of
 after demand, to pay to any witness who shall have been sum
 his or their, behalf before the examiner of recognizances, or
 mittee, under the provisions of this act, the sums so certifie
 said by the speaker to be due to such witness, or if such pe
 petitioners shall neglect or refuse, for the space of six month
 mand, to pay to any party who shall appear in opposition t
 petition the sum so certified by the speaker as aforesaid to
 such party for their costs or expences, and if such neglect
 shall, within one year after the granting of such certificate, b
 the speaker's satisfaction, by affidavit sworn before any ma
 high court of Chancery, (and such master is hereby authorized
 ter such oath, and is authorized and required to certify such affi
 his hand,) in every such case every person who shall have ent
 recognizance relating to such petition under the provisions b
 contained shall be held to have made default in his said rec
 and the speaker of the House of Commons shall thereupon
 recognizance into the court of Exchequer, and shall also certifi
 person or persons have made default therein, and such cert
 be conclusive evidence of such default; and the recognizanc
 certified, shall be delivered by the clerk or one of the clerks
 the House of Commons into the hands of the lord chief b
 court of Exchequer, or of one of the barons of the Exchequer
 officer as shall be appointed by the court to receive the sam
 have the same effect as if the same were estreated from a co
 and the validity thereof (the handwriting of the speaker to
 cate being duly verified) shall not be called in question upon
 tion of any matter anterior to the date of such certificate."

Returning officer
 may be sued for
 neglecting to re-
 turn any person
 duly elected.

Sect. 98. "That if any sheriff or other returning officer
 shall wilfully delay, neglect, or refuse duly to return any p
 ought to be returned to serve in parliament for any count
 rough, district of burghs, port, or place within Great Britain
 such person may, in case it shall have been determined by a
 mittee appointed in the manner hereinbefore directed that such
 entitled to have been returned, sue the sheriff or other officer
 having so wilfully delayed, neglected, or refused duly to mak
 turn at his election, in any of her majesty's courts of recor
 minster or Dublin, or in the court of Session in Scotland, and sh
 double the damages he shall sustain by reason thereof, togeth
 costs of suit, provided such action is commenced within one
 the commission of the act on which it is grounded, or within
 after the conclusion of any proceedings in the House of Comm
 to such election."

Commencement
 of act.

Sect. 99. "That this act shall commence and take effect fr
 of this present session of parliament."

Provision for elec-
 tion petitions re-

Sect. 100. "That if at the close of the present session of
 there shall be any election petition or petitions before the

Adenda et Corrigenda.

or taking which into consideration shall not have been discharged, *Parlian*
trying which no committee or committees shall have been ap-
such election petition or petitions shall, in case the sureties 7 & 8 Vict
thereto shall have been reported unobjectionable, be tried by a maining a
tee or committees to be chosen under the provisions of this act, close of th
all be referred to the general committee of elections before any sent sessio
presented in the next session, and the general committee shall,
two days after their first meeting, appoint a day and hour for
a committee to try every such petition; and the recognizances
into in respect of such petitions shall be taken to remain in
securing payment of all costs and expences which the peti-
shall be liable to pay under the provisions of this act: Provided
that if the parliament shall be prorogued after the appointment
committee for the trial of any such petition as aforesaid, and
they shall have reported to the house their determination thereon,
committee shall not be dissolved by such prorogation, but shall be
adjourned to twelve of the clock on the day immediately following
which parliament shall meet again for the despatch of business
(Good Friday, and Christmas Day always excepted); and all
ings of such committee, and of any commission to take evidence
under the authority of such committee, shall remain and continue
the same force and effect as if parliament had not been so pro-
and as if the act passed in the fifth year of her majesty, intituled
to amend the Law for the Trial of controverted Elections,' had 4 & 5 Vict
and in force; and such committee shall meet on the day and hour
it shall be so adjourned, and shall thenceforward continue to sit
day to day in the manner provided in the last-mentioned act, until
shall have reported to the house their determination on the merits
a petition; and all further proceedings shall be had, with reference
a petition, as if the said last-mentioned act had continued in force."

SCHEDULE to which the 7 & 8 Vict. c. 103, refers.

SCHEDULE (A.)

Form of Recognizance.

remembered, That on the day of in the year of our
before me *A. B.* (examiner of recognizances for the House of
as) [or one of her majesty's justices of the peace for the county of
], came *C. D.* of, &c., *E. F.*, of, &c., *G. H.* of, &c., *I. K.* of, &c., and
f, &c., and severally acknowledged themselves to owe to our sovereign
queen the following sums; (that is to say,) the said *C. D.* the sum of
asand pounds, and the said *E. F.* the sum of pounds, [the said
ne sum of pounds, the said *I. K.* the sum of pounds,
said *L. M.* the sum of pounds,] to be levied on their respective
ad chattels, lands and tenements, to the use of our said sovereign lady
en, her heirs and successors.
condition of this recognizance is, that if the said *C. D.* and *X. Y.*, (*the*
petitioner, if any,) or either of them, shall well and truly pay all costs and
in which any committee of the House of Commons selected to try the
of the petition signed by the said *C. D.* and *X. Y.* (complaining of an
election or return for the [*here state the place*]), [or (complaining that
an has been made for the said within the time limited by act of
ment), or (complaining that the return made for the said is not a
of a member or members according to the requisition of the writ), or
laining of the special matters contained in any such return)] shall adjudge
payable by the said *C. D.* and *X. Y.*, (*the other Petitioner, if any,*) or
of them, and shall also well and truly pay the costs and expences due and
le by the said *C. D.* and *X. Y.* (*the other Petitioner, if any,*) and each of
to any witness summoned in his or their behalf, or to the party who shall
in opposition to the said petition, in case the said *C. D.* and *X. Y.*, (*the*
Petitioner, if any,) shall be allowed to withdraw his or their said petition,
his recognizance to be void, otherwise to be of full force and effect.

year aforesaid :—Held, that this averment of material because, consistently with this averment, it might have been put in issue before him, to have put this question, and see (*R. v. Bartholomew*, 1 Car. & Kir. 366.)

Players.

Players.

As to how far parties may be guilty of a conspiracy (See *Gregory v. Duke of Brunswick*, 1 Car. & K. 24 title "Conspiracy.")

Polygamy.

Polygamy.

IN a case of bigamy, it appeared that the prisoner had been married to his first wife sixteen years, and it was proved by the second wife that he had been living with her for nine years living as a single man, and heard of the first wife, who it appeared had been living from where the prisoner resided :—Held, that, on the prisoner ought to be acquitted on the proviso contained in the section of the statute 9 Geo. IV. c. 31. (*Reg. v. Jones*)

Poor.

(See also the Addenda to this title in Vol. II.)

Poor.

A RAILWAY company, established under the provisions of parliament, exercised the trade of carriers on their own lines of railroad connected therewith, and made and freight paid for the conveyance of passengers and took tolls, as authorized by the acts of parliament, and exercising the trade of carriers along their own line, trade was exercised by such other parties, who proceeded independently of the company, with locomotive power &c., and stations; they, like the company making use

privileges, i. e. upon the nett annual value of the railway; an estimate of the gross produce of the land, which the carriers, or which a lessee of the tolls, rates and duties, of was directed to be kept by the acts of parliament, would received as lessee, howsoever or by whomsoever the carrying a railway was conducted:—Held, also, that the rateable occupation was properly calculated, by deducting from the of the company, first, a sum per cent., for interest of the y invested by them in moveable carrying stock; secondly, ofits and risks; thirdly, for depreciation of stock; fourthly, xpences; fifthly, for the rent of stations; sixthly, a mileage and reproducing. Held, also, that the question of amount ssions. Held, lastly, that no deduction ought to be made goodwill. (*Reg. v. Grand Junction Railway Co.*, 13 *Law J. Cas.* 95.)

d some land were demised to trustees for the reception and or of the parish of R., and there was a covenant by the e, occupy, possess, and enjoy the demised premises, for the tenance, and support of the poor of R. aforesaid, and not building or land, or employ the profit thereof to any other r purpose whatsoever." The lease contained a proviso for eld, that the removal of the paupers from the house de- union workhouse, under an order of the poor-law commis- letting of the land, which had been occupied and cultivated rs, at a rack rent, was not a breach of the covenants in n; and, secondly, that at all events, the removal of the ng been occasioned by compulsion of law, would work no Doe dem. the Marquis of Anglesea v. the Churchwardens and the Poor of the Parish of Rugeley, 13 *Law J.*, N. S., *Mag.*

nce of a poor-rate by the justices, is purely a ministerial t be good on the face of it, they cannot inquire into its ere a poor-rate had been made by the two overseers of a there being also two churchwardens who had not been sworn agistrates had refused to allow it, as not being made by the ie parish officers, a *mandamus* to the justices to allow the ted. A rule for a *mandamus* to justices to allow a poor-rate n the first instance. (*Reg. v. Lord Godolphin*, 13 *Law J.*, *Cas.* 57.)

aw amendment act, 4 & 5 Will. IV. c. 76, does not take ver of two justices to allow overseers' accounts under the III. c. 49. Therefore, where a sum had been disallowed at audit of the overseers' accounts, by an auditor appointed by commissioners, and subsequently introduced again into the l allowed by the justices in the annual account, with full disallowance by the auditor, the court refused a *mandamus* s to order the overseers to pay over the sum so disallowed r to their successors. (*Reg. v. the Justices of Staffordshire*, *J. S.*, *Mag. Cas.* 81.)

band and wife are living together, and become chargeable, ment of the husband can be ascertained, the wife cannot be he place of her maiden settlement, the husband alone con- e separation. Whether such a separation could be made, if d and wife consented, *quære*. The heading of an examina- he examination of J. M., of, &c., taken upon oath, at, &c., ., touching the place of his lawful settlement." The examin- owed an inquiry as to the place of settlement of J. M., and lement of his could be discovered. It then disclosed the ment of L. M., his wife:—Held, that the heading of the was sufficient on which to make an order to remove the wife husband) and their four children to the wife's maiden settle-

required to be in writing. Where, therefore, there was writing, by one overseer only, but the order was made by the overseers," and it was also admitted, at the hearing, that it had been made "on behalf of the parish officers, and the complaint was held sufficient. An examination was held by the magistrates, and also several instances of relief were shown by the appellant parish to the pauper and his family, and to the respondent parish. There were several grounds of appeal; and amongst others, that the pauper never resided in the said parish of K., (the appellant parish) either with the said J. S. (the master) or by any other means. The respondents gave no evidence in support of the appeal; but proved the instances of relief set out in the order. The magistrates held, that under the above ground of appeal the respondents were not at liberty to show that they had given the relief under the order. (*Reg. v. The Inhabitants of Bedingham*, 13 Law J., N. S., Mag. Cas. 74.)

The pauper, in her examination before the magistrates, stated that her children are inhabitants of the parish of A., and that she is a resident of the said parish of A." The relieving officer stated, "I am a relieving officer of the Barnstaple Union, and administer the relief to the paupers of the said parish of A. The said A. F. has four children (naming them) are now chargeable to the parish of A. The magistrates held, that the evidence was not sufficient evidence of chargeability. (*Reg. v. The Inhabitants of Bickington*, 13 Law J., N. S., Mag. Cas. 74.)

Where the examinations do not disclose any evidence in support of the order of removal, and the order of removal is on that ground quashed at a subsequent session, such order of removal cannot be treated as a settlement of the pauper; and at a subsequent session, when the former order was quashed, may be shown that the pauper is chargeable to the parish of A. chargeability is a question on the merits; i. e. on the merits of the case, and does not affect the order of removal. (*Reg. v. The Inhabitants of Perris*, 13 Law J., N. S., Mag. Cas. 47.)

An examination, which shows that the pauper took a house at a rent exceeding 10l., and resided in it for more than a year, and paid the rent for the whole term of his tenancy," does not support a settlement by renting a tenement. (*Reg. v. The Inhabitants of Perris*, 13 Law J., N. S., Mag. Cas. 47.)

Students of Cumberworth's, 13 *Law J., N. S.*,*Petr.*

an examination sent, under the provision of the Will. IV. c. 76, s. 79, must show on the face of an before two magistrates; and it is not sufficient to take the first examination (which sets out their names to the subsequent examination. (*Reg. Hipston-upon-Stour*, 13 *Law J., N. S., Mag. Cas.*

to an order of removal of a mother and her illegitimate child, the settlement of both the mother and child's parish. *Id.*

incorporated under 22 Geo. III. c. 28, the notice of by the guardian, and he must describe himself insufficient that he should describe himself as an *Justice of Yorkshire*, (*W. R.*) in the matter of *inhabitants of Hamley and the Inhabitants of Rothwell*, 3 L. 39.)

notice of appeal was signed by W. R., T. G., and for archdeacons and overseers" of parish A., (which is,) and "T. E. guardian":—Held, that such signature not appearing that W. H. had given W. P. H. m; and that the signature of the guardian did not lie under the poor-law amendment act not having a purpose. (*Reg. v. the Justices of Surrey*; 13 *Law J., N. S., Mag. Cas.* 66.)

Putting Stone, Game of.

Addenda to, title "Gaming," ante.

Quoits.

See Addenda to, title "Gaming," ante.

Racquets.

See Addenda to, title "Gaming," ante.

Railways.

The 7 & 8 Vict. c. 85, "An Act to attach certain Conditions to the construction of future Railways authorized or to be authorized by any the present or succeeding Sessions of Parliament; and for other purposes in relation to Railways," [9th August, 1844,] reciting, that it is enacted that the concession of powers for the establishment of new railway should be subjected to such conditions as are hereinafter provided for the benefit of the public: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, by the authority of the same, "That if at any time after the end of seven years from and after the 1st day of January next after the passing of any act of the present or of any future session of parliament for the construction of any new line of passenger railway, whether such line be a trunk, branch, or junction line, and whether such new line be constructed by a new company incorporated for the purpose or by any

If, after 21 years from the passing of the act for the construction of any future railway, the profits shall exceed 10s. per cent., the

Railways.

7 & 8 Vict. c. 83.
treasury may re-
vise the scale of
tolls, and fix a
new scale.

Proviso.

Option of pur-
chase of future
railways.

Proviso.

Existing railways
not to be subject-
ed to the options.

Reservation to
parliament of the
consideration of
future policy in
regard to the said
options.

existing company, the clear annual profits divisible upon the said and paid up capital stock of the said railway, upon the average of the three then last preceding years, shall equal or exceed the rate of 10% of every 100% of such paid up capital stock, it shall be lawful for the commissioners of her majesty's treasury, subject to the provisions hereinafter contained, upon giving to the said company three calendar months' notice in writing of their intention so to do, to revise the said scale of fares, and charges limited by the act or acts relating to the said railway, and to fix such new scale of tolls, fares, and charges, applicable to different classes and kinds of passengers, goods, and other traffic on the said railway, as in the judgment of the said lords commissioners of the treasury, the same quantities and kinds of traffic to continue, shall be reduced to the said divisible profits to the said rate of 10% in the said average; provided always, that no such revised scale shall take effect, unless a guarantee to subsist as long as any such revised scale of fares, and charges shall be in force, that the said divisible profits of any deficiency therein, shall be annually made good to the said rate of 10% for every 100% of such capital stock: provided also, that the said scale shall not be again revised or such guarantee withdrawn without the consent of the company, for the further period of one year."

Sect. 2. "That whatever may be the rate of divisible profits of such railway it shall be lawful for the said lords commissioners of the treasury, subject to the provisions hereinafter contained, after the expiration of the said term of twenty-one years, to purchase the said railway, with all its hereditaments, stock and appurtenances, in and on behalf of her majesty, upon giving to the said company three calendar months' notice in writing of their intention, an amount of a sum equal to twenty-five years' purchase of the said divisible profits, estimated on the average of the three then next preceding years: Provided that if the average rate of profits for the said years shall be less than the rate of 10% in the 100%, it shall be lawful for the said company, if they shall be of opinion that the said rate of profits is an inadequate consideration of such railway, reference being had to the prospect of the said railway, require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase-money shall be paid to the said company: provided also, that such option of purchase shall not be exercised, except with the consent of the company, while the said revised scale of tolls, fares, and charges shall be in force."

Sect. 3 provides and enacts, "That the option of revision shall not be applied to any railway made or authorized to be made by any act previous to the present session; and that no branch of less than five miles in length of any such line of railway shall be a new railway within the provisions of this act; and that the option of purchase shall not be exercised as regards any branch or extension of any railway, without including such railway in the purchase; and in case the proprietors thereof shall require that the same be included."

Sect. 4. "And whereas it is expedient that the policy of the said purchase should in no manner be prejudged by the provisions of this act, but should remain for the future consideration of the legislature on grounds of general and national policy: and whereas it is enacted in the said act that under the said powers of revision or purchase, should be called into use, the public resources should be employed to avoid undue competition against any independent company or companies: enacted, That no such notice as hereinbefore mentioned, whether of revision or purchase, shall be given until provision shall have been made by parliament, by an act or acts to be passed in that behalf, for the guarantee or the levy of the purchase-money hereinbefore mentioned, as the case may be, and for determining, subject to the conditions

And whereas it is expedient to secure to the poorer class of Companies to
: means of travelling by railway at moderate fares, and in provide one cheap
which they may be protected from the weather; be it enacted, train each way
after the several days hereinafter specified all passenger rail- daily.
es which shall have been incorporated by any act of the pre-
or which shall be hereafter incorporated, or which by any
sent or any future session have obtained or shall obtain,
directly, any extension or amendment of the powers con-
m respectively by their previous acts, or have been or shall
l to do any act unauthorized by the provisions of such pre-
all, by means of one train at the least to travel along their
one end to the other of each trunk, branch, or junction line
or leased by them, so long as they shall continue to carry
ers over such trunk, branch, or junction line, once at the
y on every week day, except Christmas Day and Good Fri-
ception not to extend to Scotland), provide for the convey-
class passengers to and from the terminal and other ordi-
er stations of the railway, under the obligations contained in
acts of parliament, and with the immunities applicable by
* of passengers by railway; and also under the following
that is to say,)
shall start at an hour to be from time to time fixed by the
, subject to the approval of the lords of the committee of
ncil for trade and plantations:
shall travel at an average rate of speed not less than twelve

Children under three years of age accompanying passengers on a cheap train shall be taken without any charge, and children of three years of age and upwards, but under twelve years of age, at half the rate of an adult passenger :

And with respect to all railways subject to these obligations, they shall be open on or before the 1st day of November next, they shall come into force on the said 1st day of November ; and all other railways subject to these obligations, they shall be open on the day of opening of the railway, or the day after the next session in which the act shall be passed by reason of which they will become subject thereunto, which shall first happen.

Penalty for non-compliance

Sect. 7. " That if any railway company shall refuse to comply with the provisions of this act as to the said cheap trains at a reasonable time, or shall attempt to evade the operation of this act, such company shall forfeit to her majesty a sum not exceeding five pounds for every day during which such refusal, neglect, or evasion shall continue."

Board of trade to have a discretionary power of allowing alternative arrangements

Sect. 8 provides and enacts, " That, except as to the rates of fares or charge for each passenger by such cheap trains, which shall not exceed the rates hereinbefore in such case provided, the Board of Trade shall have a discretionary power, upon the application of any railway company, of dispensing with any of the conditions required in regard to the conveyance of passengers by such cheap trains as aforesaid, in consideration of such other arrangements as may be made to speed, covering from the weather, seats, or other particulars, if the lords of the said committee shall appear more beneficial for the passengers by such cheap trains under the circumstances of the case, and shall be sanctioned by them accordingly ; and any railway company which shall conform to such other conditions as may be sanctioned by the lords of the said committee shall not be liable for not observing the conditions which shall have been sanctioned by the lords of the said committee in regard to the said cheap trains, or the passengers conveyed thereby."

When no tax to be levied.

Sect. 9. " That no tax shall be levied upon the receipts of any railway company from the conveyance of passengers at fares less than one penny for each mile by any such cheap train as aforesaid."

When companies run trains on the Sunday cheap trains

Sect. 10. " That whenever any railway company shall run a cheap train on the days herebefore specified on which the said obligations shall be in force, it shall be liable to pay to the Board of Trade a sum not exceeding one penny for each passenger conveyed by such train."

in the present or any future session, or which by any act of the present or any future session shall have obtained or shall obtain any extension or amendment of the powers conferred by their previous acts or any other act, or have been or shall be authorized to do any act unauthorized by the provisions of such previous acts, shall be bound to provide such conveyance as aforesaid for the said military, marine, and police forces, at a rate not exceeding 2d. per mile for each commissioned officer proceeding on duty, each officer being entitled to conveyance in a first class carriage, not exceeding 1d. for each mile for each soldier, marine, or private of the militia or police force, and also for each wife, widow, or child under twelve years of age of a soldier entitled by act of parliament or by order in council to be sent to their destination at the public expence, and for each child under three years of age so entitled being taken free of charge, and for each child of three years of age or upwards, but under twelve years of age so entitled, being taken at half the price of an adult; and such soldiers, marines, and privates of the militia or police force, and their wives, and children so entitled, being conveyed in carriages which shall be fitted with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge, and all excess of the above weights of personal luggage being paid.

upon such lands adjoining the line of such railway telegraph for her majesty's service, and to give to her a reasonable facility for laying down the same, and for the purpose of receiving and sending messages on her subject to such reasonable remuneration to the company upon between the company and the lords of the said case of disagreement as may be settled by arbitration: that, subject to a prior right of use thereof for the purpose, such telegraph may be used by the company for the railway, upon such terms as may be agreed upon by or, in the event of difference, as may be settled by arbitration.

Electrical telegraph established by private parties to be open to the public.

Sect. 14. "That where a line of electrical telegraph established upon any railway by the company to which it belongs, or by any company, partnership, person or persons, other than exclusively for her majesty's service, or exclusively of the railway or jointly for both, the use of such telegraph for the purpose of receiving and sending messages, shall, subject to a prior right of use thereof for the service of her majesty and the company, and subject also to such equal charges and other regulations as may be from time to time made by the company, be open for the sending and receiving of messages by persons alike, without favour or preference."

Appointment of inspectors by board of trade. 3 & 4 Vict. c. 97.

Sect. 15. "And whereas by an act passed in the reign of her majesty, intituled 'An Act to regulate the powers given to the lords of the said committee to appoint any persons to inspect any railway, and the stations, works, and the engines and carriages belonging thereto; and to put the provisions of this act into execution it is expedient that the said power given to the said committee of appointing proper persons to inspect any railway, should be extended; be it enacted, That the said power given to the said committee of appointing proper persons to inspect any railway, should be extended to authorize the appointment by the lords of the said committee of any proper person or persons, for such purposes as may be authorized by the said act, and also for the purpose of carrying into execution the provisions of this act, and of any general act relating to railways into execution, as much of the last-recited act as provides that no person shall be appointed as inspector who shall, within one year

as with the provisions of the act or acts relating thereto or of any general acts relating to railways, proceed by information, bill, plaint, suit at law or in equity, or other legal process (as the case may require), to recover such penalties and forfeitures, and to enforce the due performance of the said provisions, by and as any person aggrieved by such non-compliance, or otherwise authorized to sue for such penalties, might employ under the provisions of the said acts; and in case the default of the railway company is in the commission of some act or acts unauthorized by law, the said attorney general or lord advocate, upon receiving such certificate as aforesaid, shall proceed by suit in equity, or such other legal process as the nature of the case may require, to obtain an injunction which the judge in equity or other judge to whom the application shall be authorized and required to grant, if he shall be of opinion that the act or acts of the railway company complained of is or are unauthorized by law, to restrain the company from acting in such manner, or to give such other relief as the nature of the case may

3, provides and enacts, "That no such certificate as aforesaid shall be given by the lords of the said committee until twenty-one days after the company shall have given notice to the company against or in relation to which they shall intend to give such certificate of their intention to give such certificate; and that no legal proceedings shall be commenced under the authority of the lords of the said committee against any railway company in respect of any offence against any of the several acts relating to railways, or any general act relating to railways, except upon such certificate as aforesaid." Notice to be given to the company

Prosecutions to be under the sanction of the board of trade, and within one year after the offence.

Loan notes already issued may be renewed.

Loan notes already issued to be paid when due.

Register of loan notes.

Remedy for recovery of the rent charged on railway land.

after the passing of this act any railway company issuing any other negotiable or assignable instrument purporting to be such security for money advanced to the said company as a legal security for money advanced to the said company otherwise than under the provisions of some act or law authorizing the said railway company to raise such security, shall for every such offence forfeit to the sum for which such loan note or other instrument is to be such security: Provided always, that any company issuing such loan note or other instrument issued by them in pursuance of this act for any period or periods not exceeding the period of the passing of this act."

Sect. 20. "That where any railway company, before the 1st of July, 1844, shall have issued or contracted to issue any such loan notes or other unauthorized instruments, the company may nevertheless issue such loan notes or other instruments as the same may be authorized to issue hereinbefore provided; and until the same shall be paid, such loan notes or other instruments shall entitle the holder thereof to payment by the company of the principal sum and interest thereon to be paid."

Sect. 21. "That a register of all such loan notes or other instruments shall be kept by the secretary; and such register shall be open to inspection, free of fee or reward, at all reasonable times, to the inspector of the undertaking, or auditor of the undertaking, and of every person who is the holder of such loan note or other instrument, desirous of inspection."

Sect. 22. "And whereas the remedies now in force for the recovery of the tithe commutation rent-charges are in many instances defective, and parts thereof as are charged upon lands taken for the use of the railway, and it is therefore expedient to extend the same to such lands, and the said rent-charges may have been duly apportioned; in all cases in which any such rent-charge, or part thereof, has been or hereafter shall be duly apportioned under the acts for the commutation of tithes in England and Wales, and taken or purchased by any railway company for the use of the company, or upon any part of such lands, it shall be lawful for any person entitled to the said rent-charge or parts of such rent-charge, in case the same has been or shall be in arrear and unpaid for the space of twenty-one days next after any half-yearly day fixed by the said acts for the payment thereof, to distrain for all arrears of the said rent-charges."

Regattas.

See Addenda to, title "Gaming," ante.

Registers.

CERTIFIED copy of the entry of the death of A. in the books of a su-
pendent registrar, with the usual affidavit of identity, not sufficient
evidence of the death of A. on a petition for the payment to the adminis-
trator of A. of a sum found due to A. (*Leach v. Leach, K. Bruce, Vice-*
chancellor's Court; 13 Law J., N. S., 128.)

Rescue and Bound Breach.

IN the recent statute 6 & 7 Vict. c. 30, title "*Distress for Rent,*"
II. p. 312.
to rescuing goods taken in execution in process from inferior courts,
see 7th Vict. c. 19, s. 7. (*Ante, Addenda to "Inferior Courts."*)

Addenda et Corrigenda.**Rowing Matches.**

See Addenda to, title "Gaming," ante.

Sailing Matches.

See Addenda to, title "Gaming," ante.

Sea.

SEE the 7 Vict. c. 2, "An Act for the more speedy Trial on the High Seas." (*Ante, Addenda, title "Admiralty."*)

Servants.

A DESIGNER who invents and draws patterns, to be afterwards on rollers, to be used in calico-printing, is liable under 4 Geo. s. 3, for misconduct in the execution of his contract of service (*Ormerord, 13 Law J., N. S., Mag. Cas., 73.*)

The statute 4 Geo. IV. c. 34, s. 1, does not authorize me punish misconduct on the part of a servant, which amounts (*Ex parte Jacklin, 13 Law J., N. S., Mag. Cas., 139.*)

A conviction and commitment under that statute stated that he had contracted to serve as a servant in husbandry, and that service and employment he had been guilty of a misdemeanor in carriage, in that he had purloined a quantity of barley to give under his care, contrary to the express command of his master. The sentence stated in the conviction showed it to have been taken by means of a skeleton key:—Held, that in the first place it was shown to be misconduct or misdemeanour in the execution of his contract of service, that contract not being particularly set forth; and that, at all events, it was a felony over which the magistrates had jurisdiction. (*Id.*)

Sessions.

THE court of quarter sessions, on appeal, quashed an order generally, without going into the evidence, on the ground that the reasons, accompanying the order, were defective and insufficient. The reason of an omission, which the sessions judged material, defect and omission had been specifically pointed out in the grounds of appeal. Another order of removal of the pauper respondent to the appellant parish, was then made, and this was appealed against, on the ground that the former judgment of the sessions was conclusive as to the settlement. At the trial of the second order the respondents tendered evidence to show that the first order was quashed on a preliminary objection to the sufficiency of the evidence, and that the merits were not gone into. The court of quarter sessions held, that the former judgment was conclusive, and refused to receive the evidence, and quashed the order:—Held, that the sessions were wrong in deciding that their first judgment was conclusive, and that it was necessary to consider whether their decision on the first order was right or not. (*Reg. v. The Inhabitants of Charlbury and Wakefield, 13 Law J., N. S., Mag. Cas., 19.*)

me of them, and they are hereby authorized and empowered, from
to time, by any order in writing under their hands, to order and
that any privileged or other place, whether extra-parochial or not,
not being itself an entire parish, shall, for the purposes of assessing,
rating, collecting, and levying the said duties respectively, and for all
the purposes of the several acts aforesaid, be deemed to be within
part of such district or division, and within or part of such parish,
tithing, ward, or place respectively, as shall appear to the said com-
missioners to be most convenient and proper for the purposes aforesaid,
thereupon such privileged or other place shall be deemed to be
a part of such district or division, and within or part of such
tithing, ward, or place, according to such order, for all the
purposes aforesaid; and the said respective duties shall be assessed,
raised, collected, and levied within such privileged or other place,
upon the occupiers or inhabitants thereof, by or under the authority
of the commissioners appointed or authorized to put in execution the said
respective acts in the district or division, and by the assessors, collectors,
and other officers appointed for the parish, tithing, ward, or place within
part of which such privileged or other place shall be by any such order
aforesaid declared or directed to be deemed to be, any law, statute, or
to the contrary notwithstanding: Provided always, that it shall be
lawful for the said commissioners of stamps and taxes, or any two of
them, to revoke any such order, and to substitute any other order in lieu
thereof, from time to time as often as it shall appear to the said com-

surveyor of the said duties shall certify the particulars of the assessment to the commissioners acting in the exercise of the said duties respectively for the district, and parish, tithing, ward, or part of which such privileged or other place shall be declared or deemed to be; and where at the time of the order as aforesaid no assessment of the said respect has been made for such privileged or other place as respects any occupiers or inhabitants thereof, in or for the said place, there shall be any omission of any person, article, matter, or thing, in any such assessment as last aforesaid which shall have been made at an insufficient rate or amount of duty charged thereby, the surveyor of the said duties to certify in like manner to the commissioners the particulars of any assessment which has been made upon any occupier or inhabitant of such privileged or other place at an increased rate or amount of duty which ought to have been charged upon any such occupier or inhabitant; and in any of the said cases the said commissioners shall cause the particulars of the assessment as aforesaid to be inserted or included in or added to the list of the like duties made or to be made for the said parish, tithing, ward, or place within or part of which such privileged or other place shall be by such order as aforesaid declared or deemed to be, and shall cause the duties to be assessed and charged upon the said occupiers or inhabitants according to such certificate, and there shall be deemed to be part of the last-mentioned assessment the duties so assessed and charged, and shall be collected, received, and paid over by the collectors or other persons appointed or authorized to collect, receive, or levy the said duties, without any further or other warrant or authority: Provided always, that every such assessment made in pursuance of such certificate of the surveyor shall be subject to an appeal by the party charged with or liable to the said duties, upon his giving notice in writing to the commissioners of his intention to appeal against such assessment or charge, and that after the particulars thereof shall have been notified to the party, every such appeal shall be heard and determined by the commissioners within their district at such time and place as they shall appoint for that purpose, of which due notice shall be given to the party appealed against as aforesaid."

appointed and prescribed as afore-
 said, and it is expedient to
 enact, That where in any case the
 neglected or omitted, or shall here-
 after, or to appoint any officer, or to
 or thing, in the execution of the
 respectively, within or at the time
 to said acts in that behalf, the hold-
 ment of such officer, and the per-
 or thing as aforesaid at any other
 by such neglect or omission, be and
 as good, valid, and effectual to all
 respectively had been held, made,
 time and according to the manner
 id or prescribed as aforesaid, any
 contrary thereof notwithstanding."

its relating to the said duties respec-
 : execution thereof are required to
 sts of each parish, ward, or place,
 hall think most convenient, to be
 lah, ward, or place, requiring them
 are at such place and at such time
 ich of the said inhabitants as the
 may be appointed assessors of the
 frequently happens that the persons
 rilyfully disobey the same, whereby
 y impeded; be it therefore enacted,
 receipt as aforesaid shall be directed
 ear before the said respective com-
 effect thereof, or, having appeared,
 an assessor of the said duties or of
 mer and form by the statute in such
 on so offending in any such case as
 y such offence the sum of 10*l.* to be
 as any penalty incurred under the
 red and applied."

1. III. c. 32, and 49 Geo. III. c. 110,
 respectively specified and contained
 i were granted and made payable:
 the same session of parliament, to
 it: and whereas it is expedient to
 ' commissioners to execute the said
 t therefore enacted, That where in
 re in the appointment of commis-
 acts, whether the same shall proceed
 ry person or persons to make such
 omission of any person or persons
 commissioners, or from any other
 ioners of her majesty's treasury,
 ne to time, by writing under their
 utting in execution the said recited
 he reign of king George the Third,
 contained in relation to the said
 6*d.*, in the several departments or
 and such commissioners so to be
 empowered and required to do all
 cited acts in execution with relation
 in the like and in as full and ample

mer as any commissioners appointed or authorized by or under the

Three.

7 & 8 Vict. c. 41.

Penalty on per-
 sons refusing to
 appear before the
 commissioners to
 be appointed as-
 sessors, or submit
 to be appointed,
 10*l.*

Recital of 49 Geo.
 III. c. 32, and c.
 110, granting du-
 ties of 1*s.* and 6*d.*
 on offices and
 employments.

Commissioners of
 the treasury em-
 powered to ap-
 point commis-
 sioners for execut-
 ing the recited
 acts, with relation
 to the said duties.

Trial.

If an indictment for perjury be removed by certiorari of the defendant, and be entered for trial on the next assizes by the defendant, the judge will not stop the trial on a motion on the part of the prosecution, on the ground that the prosecutor has not had sufficient notice of trial; but, if acquitted, no one appearing for the prosecution, it is a proper notice of trial had not been given. (*R. v. H.*)

Vagrants.

By the 7 & 8 Vict. c. 101, s. 6, the mother of a child born for the neglect or desertion of it under the vagrancy act is deemed a "Bastard."

By sect. 53, "That if any person received into a workhouse wilfully give a false name, or make a false statement, or have given two or more different names on two or more occasions, when so received into any such asylum, and shall lawfully change her name in consequence of marriage, she shall be deemed a rogue and vagabond within the 5 Geo. 4. c. 64, s. 1, title 'Poor,' Vol. IV.)"

By sect. 55, "If any poor person return and become a pauper in any district after removal from any parish, he shall be deemed to have returned and become chargeable, and shall be liable to be removed, and to be charged, as if he had been legally removed, to the parish whence he has been legally removed, by two justices of the peace, within the meaning of the

Whipping.

By the 7 & 8 Vict. c. 62, s. 3, title "Burning," a boy under eighteen may be whipped for the offence of an

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